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LEGISLATIVE HISTORY

Public Law 85-286  
S. 1791

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## Index and summary of S. 1791

Apr. 4, 1957	Sen. McClellan introduced and discussed S. 1791 which was referred to Senate Committee on Government Operations. Print of bill and remarks of Sen. McClellan.
Apr. 8, 1957	Rep. Dawson, Ill., introduced H. R. 6711 which was referred to the House Committee on Government Operations. Print of bill.
Apr. 12, 1957	Senate subcommittee ordered S. 1791 reported.
May 29, 1957	Senate committee reported S. 1791 without amendment. S. Report No. 386. Print of bill and report.
June 5, 1957	Senate passed S. 1791 without amendment.
June 6, 1957	S. 1791 was referred to the House Committee on Government Operations. Print of bill.
June 11, 1957	Rep. Dawson, Ill., introduced H. R. 8078 which was referred to the House Committee on Government Operations. Print of bill. House subcommittee ordered H. R. 6711 reported with amendment.
June 25, 1957	Rep. Dawson introduced H. R. 8364 which was referred to House Committee on Government Operations. Print of bill as introduced.
June 27, 1957	House committee reported H. R. 8364 with amendment. H. Report No. 657. Print of bill and report.
July 2, 1957	Rules Committee reported resolution for consideration of H. R. 8364. H. Res. 310, Report No. 681. Print of resolution and report.
July 10, 1957	House agreed to resolution for consideration of H. R. 8364. House passed H. R. 8364 as reported; House vacated action on H. R. 8364 and passed S. 1791 with language of H. R. 8364 inserted. H. R. 8364 laid on table due to passage of S. 1791.
Aug. 19, 1957	Senate conferees appointed.
Aug. 21, 1957	House conferees appointed.
Aug. 30, 1957	Both Houses received and agreed to conference

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Index and summary of S. 1791, page 2:

report. House Report No. 1270. Print  
of report.

Sep. 4, 1957      Approved: Public Law 85-286.





DIGEST OF PUBLIC LAW 85-286

AMENDMENTS TO REORGANIZATION ACT OF 1949.

Amends the Reorganization Act of 1949 so as to extend its application to reorganization plans transmitted to the Congress at any time before June 1, 1959, and to permit either House to reject a reorganization plan by a simple majority of the members present and voting instead of "by the affirmative vote of a majority of the authorized membership of that House."



# S. 1791

AN ACT TO AMEND THE NATIONAL DEFENSE AUTHORITY ACT

Enacted July 1, 1964

Approved by the President of the United States July 1, 1964  
Approved by the Senate July 1, 1964

## A BILL

to amend the National Defense Authority Act of 1941, to provide for the establishment of a National Defense Authority, and for other purposes.

Enacted by the Senate and House of Representatives of the United States of America in Congress assembled July 1, 1964.  
Approved by the President of the United States July 1, 1964.  
Approved by the Senate July 1, 1964.



# S. 1791

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## IN THE SENATE OF THE UNITED STATES

APRIL 4, 1957

Mr. McCLELLAN introduced the following bill; which was read twice and referred to the Committee on Government Operations

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## A BILL

To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959.

1     *Be it enacted by the Senate and House of Representa-*  
2     *tives of the United States of America in Congress assembled,*  
3     That subsection (b) of section 5 of the Reorganization Act of  
4     1949 (63 Stat. 205), as amended by the Act of February 11,  
5     1953 (67 Stat. 4) and the Act of March 25, 1955 (69 Stat.  
6     14), is hereby further amended by striking out "June 1,  
7     1957" and inserting in lieu thereof "June 1, 1959".

## A BILL

To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959.

By Mr. McCLELLAN

APRIL 4, 1957

Read twice and referred to the Committee on  
Government Operations



Mr. ROBERTSON. I have not objected, and I do not object now; I am simply mentioning the 3-minute rule.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Texas? The Chair hears none, and the senior Senator from Rhode Island may proceed for an additional 2 minutes.

Mr. GREEN. Mr. President, I thank my colleagues.

I am pleased, Mr. President, that such a basis as I have mentioned now appears to have been reached, and that a problem which has gone so long unresolved and has disturbed the traditionally cordial and friendly relations of our two governments, is now on the way to solution.

I therefore welcome this opportunity to help settle a long-standing issue between our Nation and Denmark, whose people warrant all the sincere admiration, respect, and affection we hold for them.

However, as I have already indicated, I am introducing this bill at the request of the executive branch. In so doing, I reserve my right to support or to oppose it later, as well as any proposed amendments which may be made when the matter is considered.

I ask unanimous consent that the bill be printed at this point in the RECORD, together with a short history of the efforts which have been made to arrive at a settlement of the Danish ships problem, and a letter from Assistant Secretary of State Hill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, letter, and history will be printed in the RECORD.

The bill (S. 1780) to authorize an ex gratia payment to the Government of Denmark, introduced by Mr. GREEN (for himself and Mr. WILEY) (by request), was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized to pay to the Government of Denmark the sum of \$5,296,302. The payment of such sum shall be considered as payment ex gratia in connection with the requisitioning in 1941 and the use and/or loss of 40 Danish vessels during World War II by the United States.

SEC. 2. There is hereby authorized to be appropriated the sum of \$5,296,302 to carry out the purpose of this act.

The letter and history presented by Mr. GREEN are as follows:

DEPARTMENT OF STATE,  
Washington, February 26, 1957.

The Honorable THEODORE FRANCIS GREEN,  
United States Senate.

DEAR SENATOR GREEN: You will recall, I am sure, the problem of a payment to Denmark relating to the 40 ships requisitioned by the United States in 1941. I am glad to be able to report to you that the executive branch has resolved its problem regarding this matter. The Department now has permission to seek legislation authorizing an ex gratia payment to Denmark of \$5,296,302. The Danes have accepted this possible solution of this long-standing issue between us.

I am enclosing a copy of draft legislation which we hope may be sponsored by you or

members of the Foreign Relations Committee. Because of his previous interest in the matter, I have also sent a copy to Senator WILEY and have given one to Carl Marcy. Representatives of the Department would be glad to consult further with you, or persons you may designate, on this matter.

Sincerely yours,

ROBERT C. HILL,  
Assistant Secretary.

#### WORLD WAR II DANISH SHIP PAYMENT

The proposed legislation would authorize, on foreign relations grounds, an intergovernmental lump sum payment ex gratia to the Danish Government in connection with the taking and use and/or loss of 40 privately owned Danish ships requisitioned by the United States in 1941 with the approval of the Danish Minister. Such payment would amount to \$5,296,302. The background of the proposed enactment is as follows:

The United States used the requisitioned Danish ships throughout World War II, 24 being lost at sea. At the end of the war settlement contracts covering 35 of the ships were negotiated with the companies owning them, and the ships remaining afloat were returned to the Danes. After most of the payments under these contracts had been made, further payments were suspended. Despite protracted negotiation the owners were not able to obtain full performance of the contracts. On December 4 and December 13, 1951, they filed suits in the Court of Claims. In these suits the court held that the shipowners' original rights to compensation were supplanted by the rights under the contracts and that compensation could be made only in accordance with their terms. The Danish owners undertook not to appeal this decision to the higher court. Stipulated judgments afterward were entered (on February 20, 1956) by the terms of which the United States paid the balance due under the contracts, plus damages for breach specified in the contracts, i. e., 3 percent per annum of the unpaid balance. The payments under these judgments fell short of the amounts sought by the owners. The Danish Government had endeavored since the suspension of the contract payments to obtain an intergovernmental settlement of the dispute and once the Court of Claims judgments were entered renewed its request for such a settlement, to be based on the compensation to which American owners were entitled for ships taken for use during World War II.

The owners of the other 5 ships, all of which were sunk, did not enter into settlement contracts at the end of World War II. On July 10, 1947, they brought suit in the Court of Claims to obtain compensation for the taking of their ships. These suits were settled by stipulated judgments entered in their favor on July 22, 1952, but the total compensation otherwise found to be owing was reduced by a deduction for the technical legal defense that the ships were "burdened" (i. e., that because the ships were under threat of seizure by the allies as technically enemy vessels, their market value was less than it would have been had they been free of such threat). The Danish Government has insisted on the restoration of this deduction.

The Danish Government over a period of years steadfastly has maintained that the Danish owners should receive further compensation, considerably in excess of the amount that would be authorized by the proposed legislation. This question unfortunately has grown into an issue of major importance between the United States and Denmark. In these circumstances, it is considered that the proper conduct of the foreign relations of the United States requires that a payment as specified in the draft legislation be made. Ex gratia payments,

based upon considerations of equity in international relations and without reference to the question of legal liability, are not an unusual means of settling claims between governments.

The Danish Government has indicated that the amount named in the proposed legislation would be acceptable as a full and final settlement of the matter.

#### PROPOSED ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL CULTURAL RELATIONS

Mr. FULBRIGHT. Mr. President, I introduce, for appropriate reference, a bill to provide for the appointment of an Assistant Secretary of State for International Cultural Relations.

This bill, if enacted, would create within the Department of State, in addition to the Assistant Secretaries presently authorized, another position of Assistant Secretary, whose duties would be to coordinate the international exchange programs of the Department of State authorized by the Surplus Property Act of 1944, as amended by Public Law 584, 79th Congress; the United States Information and Educational Exchange Act of 1948, as amended—Smith-Mundt Act—and the Mutual Security Act of 1954, as amended.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1786) to provide for the appointment of an Assistant Secretary of State for International Cultural Relations, introduced by Mr. FULBRIGHT, was received, read twice by its title, and referred to the Committee on Foreign Relations.

#### AMENDMENT OF SMALL BUSINESS ACT OF 1953

Mr. THYE. Mr. President, on behalf of myself, the Senator from Indiana [Mr. CAPEHART], and the Senator from Connecticut [Mr. BUSH], I introduce a bill to amend the Small Business Act of 1953. The following Senators have indicated their desire to join in sponsoring the bill: The Senator from Colorado [Mr. ALLOTT], the senior Senator from Vermont [Mr. AIKEN], the senior Senator from Maryland [Mr. BUTLER], the junior Senator from Maryland [Mr. BEALL], the junior Senator from New Jersey [Mr. CASE], the junior Senator from South Dakota [Mr. CASE], the Senator from Kentucky [Mr. COOPER], the junior Senator from Vermont [Mr. FLANDERS], the senior Senator from New York [Mr. Ives], the junior Senator from New York [Mr. JAVITS], the junior Senator from California [Mr. KUCHEL], the junior Senator from Iowa [Mr. MARTIN], the senior Senator from South Dakota [Mr. MUNDT], the junior Senator from Maine [Mr. PAYNEL], the Senator from Michigan [Mr. POTTER], the Senator from West Virginia [Mr. REVERCOMB], the Senator from Massachusetts [Mr. SALTONSTALL], the senior Senator from Maine [Mrs. SMITH], the senior Senator from New Jersey [Mr. SMITH], the Senator from Nevada [Mr. MALONE], and the Senator from Utah [Mr. BENNETT].



I ask unanimous consent that the bill lie on the table until the conclusion of legislative business on Monday, so that other Senators may have an opportunity to join in sponsoring it.

Mr. President, at the present time I shall not address myself to the bill, other than to point out that it would establish the Small Business Administration as a permanent agency of the Government. This agency must be given permanent status if it is to serve effectively the interests of small business. No agency can function efficiently if its life depends on extension of its authority every 2 years.

Otherwise, Mr. President, this proposal is a complete rewriting of the Small Business Act of 1953, of which I was the author. Certain technical changes have been made, primarily for the purpose of clarification. Other than the provision making the agency permanent, no major policy changes are effected by the bill. It is my intention to speak at a later date regarding its merits.

As previously stated, Mr. President, I ask unanimous consent that the bill lie on the table until the close of legislative business on Monday, April 8, so that other Senators may have an opportunity to join in sponsoring the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Minnesota.

The bill (S. 1789) to amend the Small Business Act of 1953 (title II of Public Law 163, 83d Cong., as amended), introduced by Mr. THYE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Banking and Currency.

#### ESTABLISHMENT OF BOUNDARY OF EVERGLADES NATIONAL PARK, FLA.

Mr. HOLLAND. Mr. President, on behalf of my colleague, the junior Senator from Florida [Mr. SMATHERS], and myself, I introduce, for appropriate reference, a bill to fix the boundary of Everglades National Park, Fla., to authorize the Secretary of the Interior to acquire land therein, and to provide for the transfer of certain land not included within said boundary, and for other purposes. I have prepared a brief statement on behalf of my colleague and myself. I ask unanimous consent that the statement be printed in full at this point in my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 1790) to fix the boundary of Everglades National Park, Fla., to authorize the Secretary of the Interior to acquire land therein, and to provide for the transfer of certain land not included within said boundary, and for other purposes, introduced by Mr. HOLLAND (for himself and Mr. SMATHERS), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The statement presented by Mr. HOLLAND is as follows:

#### STATEMENT BY SENATOR HOLLAND AND SENATOR SMATHERS

In finalizing the boundary of Everglades National Park, enactment of this legislation would not only end the fears of expansion within the old authorized boundary, but would also set at rest rumors of expansion of the park beyond the limits authorized in 1934, such as the often-repeated report that the park would be extended to include a large area northeast of the authorized park and extending eastward along the Tamiami Trail.

The overall effect of the proposed settlement is clearly seen by comparing the area of the originally authorized park with the area of the park under the proposed settlement. The size of the originally authorized park of 1934 was 2,164,500 acres, consisting of 1,563,520 acres of land and 600,980 acres of water. By contrast, under the proposed bill, the final boundaries of the park would include an area of 1,337,800 acres, consisting of 919,400 acres of land and 418,400 acres of water.

The most important advantages to be derived from the proposed settlement of the boundary question are as follows:

1. The proposed settlement would be highly advantageous to the owners of 644,000 acres of Florida lands which will be permanently excluded from the park, but which have always been within the authorized boundary approved by Congress in 1934.

2. In Dade County, a full township of land (23,000 acres) lying some 8 miles northwest of Homestead, would be conveyed by the Federal Government to the State for sale and development, and the agricultural lands in the so-called hole-in-the-doughnut tract west of Royal Palm Hammock would be protected for private ownership so long as they are used for agricultural purposes. Much other acreage excluded from the 1934 boundaries also lies in Dade County.

3. In Monroe County most of the so-called Chevrolet tract which was included in the park in 1954 by executive order of Secretary McKay would be excluded and made available for private development, and Key Largo and many other valuable keys would be permanently excluded, as planned since 1944.

4. Collier County would see its longtime ambition realized by having the so-called Collier tracts around Everglades City incorporated in the park and also having a permanent coastal corridor extend from Everglades City southeastward to include in the park a belt of coastal land 7 or 8 miles wide. Large land areas of Collier County north and south of the Tamiami Trail would be permanently excluded.

5. The State of Florida would receive in exchange for its acreage in the coastal area the full township of Federal land in Dade County and some 11 sections of Federal land in the Chevrolet tract comprising the eastern portion of the so-called Patton tract. The State would also have excluded from the park over 180,000 acres of its underwater lands, such as in Card Sound and Barnes Sound and in areas between the keys and the Intracoastal Waterway.

6. By the proposed settlement, the National Park Service would be allowed to complete its long-desired inclusion of the scenic and highly desirable gulf coastal belt so that it would extend continuously from Everglades City to Flamingo.

We have been several years in helping to work out the details of this proposed settlement of the long-drawn-out controversy, and we feel that a reasonable and fair agreement has been reached which should be acceptable to nearly everyone concerned. The proposed settlement has been endorsed by the Advisory Board on National Parks, the

National Park Service, the Governor of Florida, and the members of the Florida congressional delegation directly concerned.

I strongly urge favorable consideration and early passage of this bill by the Congress so that the Governor of Florida and the cabinet members of the internal improvement fund trustees in Tallahassee may soon accomplish, with the Secretary of the Interior, the exchange of State lands for the acreage of Federal lands proposed by the compromise settlement.

#### AMENDMENT OF REORGANIZATION ACT OF 1949, RELATING TO REORGANIZATION PLANS

Mr. McCLELLAN. Mr. President, I introduce, for appropriate reference, a bill to extend the Reorganization Act of 1949 to June 1, 1959, from its present expiration date of June 1, 1957.

This bill is introduced in response to a message received from the President of the United States on April 1, 1957—House Document No. 145—which was referred to the Committee on Government Operations, requesting that the act be extended. This proposed legislation will be required in order that the President may continue to submit reorganization plans, which become effective after 60 days of congressional session unless disapproved by a majority of the Members of one of the Houses of the Congress.

Mr. President, I think the bill will be referred to the Committee on Government Operations. We shall undertake to process the bill and report it back at a sufficiently early date so that it may be enacted in ample time before the present law expires.

Mr. President, I ask that the message from the President be printed in the RECORD at this point, as a part of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the message from the President will be printed in the RECORD.

The bill (S. 1791) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959, introduced by Mr. McCLELLAN, was received, read twice by its title, and referred to the Committee on Government Operations.

The message from the President, presented by Mr. McCLELLAN, is as follows: *To the Congress of the United States:*

The Reorganization Act of 1949 as amended, under which the President is authorized to prepare and transmit to the Congress plans for the reorganization of executive agencies, states that no provision contained in a reorganization plan shall take effect unless the plan is transmitted to the Congress before June 1, 1957.

I recommend that the Congress enact legislation to extend the period for transmitting reorganization plans for 4 years.

The reorganization plan procedure authorized by the Reorganization Act is an essential means by which the President and the Congress can cooperate to assure the timely promotion of better organization and sound management of the executive branch of the Government. Under the act, the President may transmit to the Congress reorganization plans which become effective



after 60 days of congressional session unless disapproved by a majority of the membership of one of the Houses of the Congress. This method enables the President, who has direct responsibility for effective administration, to initiate improvements in organization, subject to review by the Congress.

Extensive accomplishments have been achieved under the Reorganization Acts of 1939 and 1945 and under the present statute, the Reorganization Act of 1949. The time for transmitting plans under the latter has been twice extended by the Congress: in 1953 and 1955.

The current act was adopted following the strong endorsement of the first Commission on Organization of the Executive Branch of the Government in 1949, which stated: "This authority is necessary if the machinery of government is to be made adaptable to the ever-changing requirements of administration and if efficiency is to become a continuing rather than a sporadic concern of the Federal Government." In December 1954 the second Commission on Organization of the Executive Branch of the Government unanimously recommended further extension of the act.

Accordingly, I urge the Congress to continue the practical arrangements contained in the Reorganization Act by which the Congress and the President can carry forward their cooperative endeavors to provide the best possible management of the public business.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, April 1, 1957.

#### HUMANITARIAN AND OLD-AGE RIGHTS ACT

Mr. HUMPHREY. Mr. President, on behalf of myself and the Senator from Rhode Island [Mr. PASTORE], I introduce, for appropriate reference, a bill to amend the public assistance provisions of the Social Security Act to eliminate certain inequities and restrictions and permit a more effective distribution of Federal funds. I ask unanimous consent that I may speak on it in excess of the 3 minutes allowed under the order which has been entered.

The PRESIDING OFFICER. Without objection, the Senator from Minnesota may proceed.

Mr. HUMPHREY. Mr. President, it is well publicized that the people in the United States are today enjoying unequalled prosperity and the highest standard of living in the world. Wherever you go, whatever magazine or newspaper you read, you are confronted with this supposed sense of well-being for all.

Yet, Mr. President, a large segment of our population today points a guilty finger at the United States Congress because we have failed—unintentionally, I think—to assure them their God-given right to human dignity.

These people are the less fortunate in our society—those who must depend on the public assistance section of our Social Security Act to live—our needy aged, blind, physically handicapped, and dependent children. Plain old-fashioned human dignity to them has become a luxury they enjoyed while they were producing and helping to build the prosperity we now enjoy. With the coming of old age or the loss of job and income because of circumstances beyond their control, they now are required to pay the price for poverty. When they apply for

public assistance they are firmly stamped "pauper" by the restrictive laws the majority of our States have imposed under the harsh means test provisions of the program.

While we might be inclined to shift the responsibility for this condition back to the States when the steady stream of complaints pass over our desks, I personally feel, and many of my colleagues join me in these sentiments, that the responsibility rests right here in this Chamber. It is we who, by our lack of action, have allowed the administration of our public assistance program to become the instrument of harassment and intimidation of these needy people that it is today.

If this degrading practice is to be curtailed, it is we who must write into the public assistance program laws to safeguard our needy citizens and restore to them their right to human dignity.

Working with my distinguished colleague in the House of Representatives, Representative JAMES ROOSEVELT, we have had drafted a bill to be known as the Humanitarian and Old-Age Rights Act. If enacted, it will go far toward achievement of the goal I have briefly outlined here today—humanizing our public assistance program.

Enactment of the Humanitarian and Old Age Rights Act would require the laws of the 48 States to be more uniform by having Congress establish at least a minimum single standard of qualifications for the applicants and recipients of public assistance—below which no State should go. We would, in effect, be saying that just because a person was in need of assistance, Congress did not intend to see him stripped of every last pretense to self-respect and dignity in his community.

Enactment of the Humanitarian and Old Age Rights Act would, in effect, be clearing some of the debris out of our own backyard in the field of social justice. For the first time, a "legislative intent" would be established by Congress "that public assistance shall be administered promptly and humanely, with due regard for the preservation of family life; and without discrimination on account of race, sex, religion or political affiliation; and the assistance laws be liberally construed."

Briefly, I would like to outline provisions of the bill.

First, it would do what should have been done when the social security amendments were passed last year. It would make the age requirement for old-age assistance recipients the same as that established for old-age beneficiaries under title 11 of the Social Security Act.

The need for this is obvious when we consider the low minimum benefits now paid under the OASI program. Many beneficiaries who fall into the low category cannot, naturally, live on a benefit payment of \$30 or \$40 per month and must therefore apply for public assistance to supplement this inadequate income.

Therefore, when we lowered the age for women OASI beneficiaries to 62 as we did last year, and did not make a

corresponding change in the public assistance program, many people are bound to be caught in the squeeze and our original purpose defeated to a large extent.

Secondly, we would allow the aged and handicapped on public assistance to earn up to \$50 per month; the parents of needy children up to \$30 per month, and the needy children, themselves, up to \$30 per month to supplement their assistance checks. The blind are already permitted to earn \$50 without penalty of reduction in aid.

This privilege was extended to the aged by this body last year, but unfortunately it was knocked out of the social security amendments by the conference committee.

We hear much talk of rehabilitating needy people, of encouraging self-reliance, self-support, and a dozen other such nouns coupled with the adjective "self." And yet, at the very same time, we not only discourage—we just downright prohibit the same people from endeavoring to better their standard of living and becoming self-reliant to any degree by saying to them, "If you earn one thin dime, it will be deducted from your aid."

As a result, we prevent even a start toward rehabilitation. We completely sentence these people to a life of idleness eked out on a bare pittance of aid.

Our bill would allow recipients to own a home of an assessed value, less all encumbrances, up to \$5,000 free from the imposition of a lien. To me, the practice of forcing an old person to sign over his little home that he has spent most of his life acquiring as a condition of receiving aid in time of need, is abominable.

Is this country really so bad off that it must resort to this penny pinching to try and retrieve what little aid is granted our poor in times of need?

Does the monetary return from such a practice anywhere nearly justify the mental and emotional anguish endured by people who must give up their last remaining possession; the scene of their life's heartaches and joys, in order to eat when they are too old to provide for themselves? In my opinion, you might as well cut out their heart for recompense, for to most people, their heart and home are synonymous.

We would exempt household furnishings and other personal effects plus an insurance policy or burial arrangement up to \$500 in value when considering "need" and we would also establish a floor of \$1,200 under the amount of personal property which a single recipient is allowed to have.

Mr. President, I see no earthly reason why we should require people to be absolute paupers before we consider them in need of help to obtain the day-to-day necessities of life. To force them to use up every last resource before they are given aid is to strip them of any feeling of security should they become ill, or should their checks be held up in the skein of redtape or for other reasons. If they have been thrifty enough to purchase a burial policy so that their last remains can be covered with a semblance of dignity, are we to force them to cash



this in, thereby finally sentencing them to potter's field?

Mr. President, is it right to grind them right down into the dust of absolute poverty before they can expect any help?

Mr. President, we would further prohibit the practice of some States whereby the public-assistance laws are used to enforce the general-support laws of the State. This is the so-called responsible relatives law where children of pensioners are subjected to continual harassment by State and county administrators even though they are in no way financially capable of supporting their aged parents.

While I firmly subscribe to the theory that it is the moral responsibility of children to care for their parents if they can reasonably afford to do so, I feel that this should be a matter for State support laws, and not be used merely as a harassment in the public-assistance program.

To show the hardship this so often works on our oldsters, in some States the mere existence of a relative deemed capable of supporting the old person is reason enough—according to State law—for denying that old person aid. Whether or not the relative is actually supporting the needy person is not taken into consideration. The fact that the relative exists is enough.

As another consideration, Mr. President, our bill provides that the program is to be administered by each State so as to insure uniform treatment of the needy in all its political subdivisions.

We would further reinstate the original policy adopted by Congress that the names of recipients be held confidential.

That is, we would outlaw the "shame list," which is used by all too many States to ridicule recipients of aid. This law reminds me of the old practice of putting town drunks or wife beaters in stocks in the public square to shame them in front of fellow townsmen. We hardly think that such a theory has any place in the 20th century.

We come now to the question of the residence requirement imposed by a majority of our States. The Public Assistance Act says that a State shall not impose a residence requirement exceeding 5 years out of the 9 years preceding application. And many States impose this maximum.

Even on the surface, this whole idea of a residence requirement seems ridiculous and even downright un-American to me. Though I come from the great State of Minnesota, I am also an American citizen. I am not restricted to living in Minnesota. When I come to Washington, it is not necessary that I take out a visa to remain or that I obtain a passport to travel to California if I choose to do so. I am just as much an American citizen in California or Nebraska as I am in Minnesota.

Yet, to take an example, if an old person from one of the colder States is forced to move to a warmer climate for health reasons—he suddenly becomes a citizen without a State—or for all practical purposes—a country. His home State disclaims responsibility, the State he has just moved to says, "you have not

lived here long enough, so we are not responsible"; and the Federal Government says, "it is a matter for the States, we cannot do anything."

To partially alleviate this problem, our bill reduces the State-imposed residence requirement now allowed by the Federal Government from 5 years to 1 year and provides that should an otherwise qualified person not meet State residence requirements, the Federal Government will pay its share direct to the person until they have met the State residence requirement.

Finally, Mr. President, this bill provides that no person receiving such public aid shall be deemed a pauper and no warrant drawn in payment shall contain any reference to indigency or pauperism, and that the value of any United States surplus food made available will not be deducted from the recipient's aid.

Mr. President, I ask unanimous consent that the text of the bill I am sending to the desk be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

*Be it enacted, etc.,* That this act may be cited as the "Humanitarian and Old-Age Rights Act."

#### STATEMENT OF PURPOSE AND POLICY

SEC. 2. It is the purpose of this act to provide more effectively for the protection, care, and assistance of the people of the United States who are in need thereof, and to promote the welfare and happiness of the people of the United States by providing public assistance to its needy and distress. It is the policy of the Congress that assistance under title I, IV, X, and XIV of the Social Security Act, as amended by this act, shall be administered promptly and humanely, with due regard for the preservation of family life and without discrimination on account of race, religion, or political affiliation, and that such assistance shall be so administered as to encourage self-respect, self-reliance, and the desire to be a good citizen, useful to society. Titles I, IV, X, and XIV of the Social Security Act shall be liberally construed in order to carry out this purpose and policy.

#### OLD-AGE ASSISTANCE

SEC. 3. (a) (1) (A) Section 2 (a) (1) of the Social Security Act is amended to read as follows: "(1) provide that it shall be in effect in all political subdivisions of the State;".

(B) Section 2 (a) (3) of such act is amended to read as follows: "(3) provide for the establishment or designation of a single State agency to administer the plan;".

(2) Section 2 (a) (7) of such act is amended to read as follows: "(7) provide that the State agency shall, in determining need, take into consideration any other income and resources of an individual claiming old-age assistance; except that, in making such determination, the State agency shall disregard (A) the first \$50 per month of earned income, (B) the ownership by such individual (alone or with his or her spouse) of a home having an assessed value, less all encumbrances of record thereon, of less than \$5,000 (except to the extent that he is receiving rental income therefrom), (C) the ability of such individual's family and relatives to provide for his support, (D) any donations of surplus food which may have been made to such individual from stocks of the Commodity Credit Corporation, and (E) the first \$1,200 in value (over

and above all encumbrances of record) of personal property owned by such individual;".

(3) Section 2 (a) of such act is further amended by striking out the final period and inserting in lieu thereof a semicolon and the following: "and (12) provide that there will be no discrimination based on sex in determining the needs of individuals receiving assistance under the plan."

(4) Section 2 (a) of such act is further amended by adding after clause (12) the following new sentence: "For purposes of clause (7) (E), no life insurance policy shall be valued at more than its present surrender value to the individual, and the term 'personal property' shall not include (i) the individual's clothing, furniture, household equipment, foodstuffs, fuel, personal jewelry, or other personal effects, or (ii) interment plots, money placed in trust or insurance for funeral, interment, or similar expenses, or any contract rights connected therewith, if such money, insurance, or contract rights do not exceed \$500 in value."

(5) Section 2 (b) (1) of such act is amended to read as follows:

"(1) An age requirement at any given time of more than the age which at such time constitutes retirement age for purposes of title II of this act; or."

(6) Section 2 (b) (2) of such act is amended to read as follows:

"(2) Any residence requirement which excludes any resident of the State who has resided therein continuously for 1 year immediately preceding the application; or."

(b) The second sentence of section 1 of such act is amended by inserting before the period at the end thereof a semicolon and the following: "but no payment shall be made under this title to any State which has not also submitted, and had approved by the Secretary, State plans for assistance under titles IV, X, and XIV."

(c) Section 4 of such act is amended by striking out "or" at the end of paragraph (1), by adding "or" at the end of paragraph (2), and by inserting after paragraph (2) the following new paragraph:

"(3) that in the administration of the plan there is imposed, as a condition of old-age assistance to any individual, a requirement that such individual subject his home to a lien of any kind or transfer to the State agency any interest in his home;".

(d) Title I of such act is amended by adding at the end thereof the following new sections:

#### "DIRECT PAYMENTS TO INDIVIDUALS NOT SATISFYING RESIDENCE REQUIREMENTS"

"SEC. 7. If an individual, after making application for old-age assistance, is denied such assistance by the State agency solely because he does not satisfy the residence requirements imposed under the State plan, and if such individual is not entitled to old-age assistance by reason of prior residence in another State, the State agency shall promptly notify the Secretary of the fact that such individual has made such application and would be eligible for old-age assistance if he satisfied such requirements. The Secretary shall thereupon pay directly to such individual for each month, beginning with the first month (after the month of such individual's application) in which such individual would have been eligible for old-age assistance if he satisfied such residence requirements and ending with the month preceding the first month in which he satisfies such requirements, an amount (as determined under regulations prescribed by the Secretary) equal to the Federal Government's proportionate share of the old-age assistance which such individual would receive for such month if he then satisfied such requirements."

#### "ASSISTANCE FOR NEEDS OF RECIPIENT ONLY"

"SEC. 8. Assistance paid to any individual under this title is to assist him in meeting







85<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 6711

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 1957

Mr. DAWSON of Illinois (by request) introduced the following bill; which was referred to the Committee on Government Operations

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## A BILL

To amend the Reorganization Act of 1949, as amended.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That subsection (b) of section 5 of the Reorganization Act  
4       of 1949 (63 Stat. 205), as last amended by the Act of  
5       March 25, 1955 (69 Stat. 14), is hereby further amended  
6       by striking out "June 1, 1957" and inserting in lieu thereof  
7       "June 1, 1961."

I

85TH CONGRESS  
1ST SESSION

H. R. 6711

**A BILL**

To amend the Reorganization Act of 1949, as amended.

By Mr. Dawson of Illinois

APRIL 8, 1957

Referred to the Committee on Government Operations







# Digest of CONGRESSIONAL PROCEEDINGS

## OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

Issued April 15, 1957

For actions of April 12, 1957

85th-1st, No. 65

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

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HIGHLIGHTS: Senate passed bill to extend FHA loans to desertland entrymen.  
Senate passed bill to authorize training of Federal employees at outside facilities.  
Senate subcommittee ordered reported bill to extend time for submission of reorganization plans. Sen. Flanders introduced and discussed distressed areas bill.

### SENATE

1. PERSONNEL. Passed with amendments S. 385, to authorize Federal agencies to obtain training of civilian employees at non-Federal facilities. The only amendment to the bill as reported was to exempt FBI from the bill. pp. 4995-7, 5021-2

Passed without amendment S. 1521, to exempt student-trainees from provisions of the Civil Service Act prohibiting employment in the classified service of more than two members of the same family. p. 4997

Sen. Humphrey discussed the shortage of skilled manpower in science and engineering and inserted letters from the Defense Department on the deficiency in Government and articles on the role of the Government as an employer and the importance of research scientists in maintaining our industrial power. pp. 5028-42

2. FARM LOANS. Passed without amendment S. 1002, to authorize financial assistance to desertland entrymen to the same extent as now authorized for homestead entrymen. p. 4997

3. ORGANIZATION. The Reorganization Subcommittee ordered reported to the Government Operations Committee S. 1791, to extend the time for transmitting plans under the Reorganization Act of 1949 to June 1, 1959. p. D327

4. FORESTRY. Received from the Comptroller General an audit report on the administration of forest management activities by the Bureau of Indian Affairs, Portland, Ore., area office. p. 4972
5. LANDS. Received a proposed bill from the Interior Department to establish uniform procedures for acquiring non-Federal lands for the national park system; to the Interior and Insular Affairs Committee. p. 4972  
Passed without amendment S. 268, to provide for the return of mineral interests in land acquired by the Secretary of the Army for flood control purposes. p. 4995
6. FARM PROGRAM. Received a Minn. Senate resolution urging support of the family farm as the aim of the farm program; price supports on a self-regulating and self-financing basis if possible; expansion of the soil bank and inclusion of feed grains; a specified national food reserve; more research on marketing, price problems, new uses, and new markets for agricultural products; price protection for perishable foods; and governmental assistance to aid in farm credit, electrification, adequate diets for the aged, and other farm problems. p. 4973
7. TOBACCO. Sen. Thurmond inserted a resolution of the S.C. Assembly urging opposition to any further curtailment by the Department of any type of tobacco production. pp. 4974-5
8. HOUSING. Sen. Javits, an added cosponsor for S. 1694, to provide moderate-income housing, criticized Sen. Clark for his statement on the bill alleging that higher income families received too much of the housing under the Federal housing program. Sen. Clark replied that the lower two-thirds of American families, in income, obtained only half of the new homes financed by the program. Both favored the bill. pp. 4987-8
9. MONOPOLIES. Sen. Dirksen inserted a statement showing the organizations interested in S. 11, to amend the Robinson-Patman Act to allow certain acts if made in good faith. p. 4988
10. D. C. AUDITORIUM. Senate conferees were appointed on H.R. 4813, to extend the life of the D. C. Auditorium Commission. House conferees were appointed Apr. 8. p. 4990
11. NEWSPRINT. Passed over at the request of Sen. Talmadge, S. Con. Res. 20, to authorize an investigation by the Federal Trade Commission of activities of newsprint producers. p. 4991
12. PROPERTY. Passed over at the request of Sen. Talmadge, S. 1034, to transfer the Midwest Claypan Research Station to the U. of Mo. p. 4992
13. FLOOD CONTROL. Passed without amendment H.R. 6092, approving the Merrimack River flood control compact, with statements by Sens. Saltonstall and Cotton. This bill will now be sent to the President. pp. 4994-5
14. RECLAMATION. Passed over at the request of Sen. Purtell, S. J. Res. 12, to provide for transfer of right-of-way for Yellowtail dam. p. 4997
15. ASSISTANT SECRETARY. Passed without amendment S. 1832, to authorize the appointment of an additional Assistant Secretary of State, whom Sen. Green pointed out would handle African affairs. p. 4998







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

Issued May 31, 1957  
For actions of May 29, 1957  
85th-1st, No. 91

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HIGHLIGHTS: Both Houses agreed to conference report on State, Justice, Judiciary appropriation bill. Ready for President. Senate committee reported bills to extend Reorganization Act, provide for budgeting on accrued expenditure basis, and transfer old records to Archives. Sen. Humphrey criticized Secretary's actions on corn bill. Rep. Cooley criticized Secretary's proposal for greater price-support discretion. Rep. Avery defended soil bank program. Sen. Russell and Rep. Whitten introduced and discussed cotton certificate program bill.

## SENATE

1. APPROPRIATIONS. Both Houses agreed to the conference report on H. R. 6871, the State, Justice, judiciary appropriation bill, and acted on amendments which had been reported in disagreement. This bill will now be sent to the President.  
pp. 7142, 7151-94, 7079-80
2. REORGANIZATION. The Government Operations Committee reported without amendment S. 1791, to further amend the Reorganization Act of 1949 so as to make the Act apply to reorganization plans transmitted to Congress at any time before June 1, 1959 (S. Rept. 386). p. 7135
3. BUDGETING. The Government Operations Committee reported with amendment S. 434, to provide for budgeting on an accrued expenditure basis (S. Rept. 394). p. 7135  
Sen. Humphrey spoke in favor of the bill and stated, in part, as follows:  
"It is fully recognized by the committee that if appropriations for long lead-time programs, such as the building of an aircraft carrier, are converted to the annual accrued expenditure basis, authority must be provided in the dollar amount required for forwarding contracting beyond the current budget



year in which the program is started. The committee amendment, therefore, authorizes the Appropriations Committees to grant contract authority to the executive agencies where necessary for the forward planning of long lead-time programs.

"It is also recognized that a change of this magnitude in appropriations procedures should not be approached on a governmentwide basis, but on the basis of individual appropriations where such a transformation is warranted by the budgetary situation in each Federal agency. The President, therefore, is given the broadest discretion as to implementation of the authority granted by this bill." pp. 7135-6

4. RECORDS. The Government Operations Committee reported without amendment S.1536, providing that, in general, records which are over 50 years old and have sufficient historical value shall be transferred to the Archivist (S. Rept. 388). p. 7135
5. HOUSING; RESEARCH. Passed, 69-1, with amendments H. R. 6659, the housing bill. Senate conferees were appointed. pp. 7196, 7208-39  
During debate on this bill Sen. Humphrey criticized the Secretary's actions in connection with the recent corn bill. pp. 7219-20  
In connection with an amendment by Sen. Bush to increase the interest rates on college housing loans, Sen. Williams stated that the same principle had been adopted "in connection with the finances of the Commodity Credit Corporation, when we said that Corporation should pay to the Government the average prevailing interest rate." p. 7227  
As passed by the Senate, this bill includes a provision directing the Housing and Home Finance Agency to carry out a research program on farm housing until June 30, 1959, in cooperation with the land-grant colleges.
6. BUILDINGS; DISBURSEMENTS; SAFETY; STATION TRANSFERS. The Government Operations Committee ordered reported S. 1799, to facilitate the payment of Government checks; S. 1535, to authorize GSA to make contracts for cleaning and custodial services for periods not exceeding 5 years; S. 931, to provide for reorganizing the safety functions of the Government; and S. 1408, providing allowances for transportation of house trailers by civilian employees who are transferred. pp. D469-70
7. REPORT. Both Houses received the annual report of HEW. pp. 7133, 7130
8. NOMINATION. Received the nomination of Robert Bernerd Anderson to be Secretary of the Treasury. p. 7261
9. ATOMIC ENERGY. Received from the State Department a proposed bill for U. S. participation in the International Atomic Energy Agency; to Joint Committee on Atomic Energy. p. 7133
10. FOREIGN AID. The Rules and Administration Committee reported without amendment S. Con. Res. 30, to print a compilation of studies and reports on the foreign aid program (S. Rept. 390). p. 7135
11. ELECTRIFICATION; RECLAMATION. Sen. Goldwater questioned whether there is much support for the Hells Canyon project. pp. 7140-1  
Sen. Neuberger spoke in favor of the Hells Canyon proposal. pp. 7239-42  
Sen. Morse spoke against rapid tax amortization for certain power projects, etc. pp. 7242-56
12. FLOOD CONTROL. Sen. Johnson, Tex., spoke in favor of flood control and related programs. pp. 7142-4

FURTHER AMENDING THE REORGANIZATION ACT OF 1949, AS AMENDED, SO THAT SUCH ACT WILL APPLY TO REORGANIZATION PLANS TRANSMITTED TO THE CONGRESS AT ANY TIME BEFORE JUNE 1, 1959

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MAY 29, 1957.—Ordered to be printed

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Mr. McCLELLAN, from the Committee on Government Operations, submitted the following

## REPORT

[To accompany S. 1791]

The Committee on Government Operations, to whom was referred the bill (S. 1791) to extend the Reorganization Act of 1949 so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

This bill was introduced by the chairman of the committee, at the request of the President. In his message to the Congress, requesting extension of this act, the President stated:

Extensive accomplishments have been achieved under the Reorganization Acts of 1939 and 1945 and under the present statute, the Reorganization Act of 1949. The time for transmitting plans under the latter has been twice extended by the Congress: in 1953 and 1955.

The current act was adopted following the strong endorsement of the first Commission on Organization of the Executive Branch of the Government in 1949, which stated: "This authority is necessary if the machinery of government is to be made adaptable to the ever-changing requirements of administration and if efficiency is to become a continuing rather than a sporadic concern of the Federal Government." In December 1954, the second Commission on Organization of the Executive Branch of the Government unanimously recommended further extension of the act.



Accordingly, I urge the Congress to continue the practical arrangements contained in the Reorganization Act by which the Congress and the President can carry forward their cooperative endeavors to provide the best possible management of the public business.

#### PURPOSE

The enactment of S. 1791 would continue the Reorganization Act of 1949, as amended, from its present expiration date, June 1, 1957, to June 1, 1959. Its objective is to permit more effective reorganization of the executive branch of the Government, by authorizing the President to submit reorganization plans which would become law unless disapproved by a majority of the authorized membership of either House, within 60 calendar days following the date of submission.

The President in his message to the Congress, and the Director of the Bureau of the Budget recommended, in a letter addressed to the President of the Senate on April 2, 1957, that the act be extended to June 1, 1961. The committee held, however, that an extension of 2 years, or well into the 86th Congress, was consistent with the policy of the Congress in approving previous extensions, thus permitting review of the authority by each succeeding Congress, and, therefore, recommends extension for only 2 years.

This legislation is proposed in order to carry on an established policy of Congress, in delegating to the President authority to reorganize the executive branch of the Government. Such authorization was originally granted in the Economy Act of June 30, 1932. This act was amended and superseded by the act of March 3, 1933, as amended by the act of March 20, 1933, granting reorganization authority to the President for a period of 2 years. The Reorganization Act of 1939 was also approved for a 2-year period, and expired in January 1941. Temporary wartime authority for emergency reorganizations was delegated under title I of the First War Powers Act of December 18, 1941, for the duration of the war and 6 months. The Reorganization Act of 1945, which expired on April 1, 1948, continued the prewar policy after its utilization had clearly established its advantages and effectiveness over normal legislative processes in the expedition of action on reorganizations within the executive branch. The Reorganization Act of 1949 continued this authority, with modifications, to April 1, 1953. The act was extended to April 1, 1955, by the 83d Congress and to June 1, 1957, by the 84th Congress.

#### PROVISIONS OF REORGANIZATION ACTS

The Reorganization Acts of 1939 and 1945 contained provisions which permitted the Congress to disapprove any reorganization plans submitted under those acts, within a 60-day period after submission thereof, by concurrent resolution stating, in substance, that the Congress did not favor the reorganization plan. The House of Representatives in considering extension of this authority in 1949 recommended that this disapproval procedure be continued.

The 1939 act specifically exempted 21 named agencies from any reorganization, and the 1945 act exempted, either wholly or partly, 11 agencies from the operations of the act. The bill as approved by the House of Representatives in 1949 contained provisions which exempted from the full application of the act reorganizations which



would affect the National Military Establishment, the Board of Governors of the Federal Reserve System, the Interstate Commerce Commission, the Securities and Exchange Commission, the Railroad Retirement Board, the National Mediation Board, and the National Railroad Adjustment Board, following the precedents for such exemptions contained in both the 1939 and 1945 acts.

The Senate Committee on Government Operations (then the Committee on Expenditures in the Executive Departments) reported, and the Senate approved unanimously a bill, S. 526 (S. Rept. 232, 81st Cong.), which continued the authority of the President to submit reorganization plans and removed exemptions which had placed certain specified agencies in a restricted category. It was the view of the committee that this action would permit wider powers to the President in submitting reorganization plans providing for realignments of Federal agencies that would be desirable and in the public interest. The liberalization of the original act, however, was conditioned on a provision of the bill, as reported, which provided that a simple resolution of disapproval by either the House or the Senate would be sufficient to reject or disapprove any reorganization plans submitted by the President.

In recommending that either House be authorized to disapprove a plan, the committee intended that the Congress would thus retain, to the fullest extent possible, the power to determine whether reorganization plans submitted to the Congress by the President shall become law through the normal legislative processes. However, this power of disapproval, vested in each House, did not authorize either House to revise the provisions of the plans, but enabled each House to prevent any plan, of which it disapproved, from becoming effective by a simple majority of those present and voting. The power thus reserved to each House was essentially the same as that possessed by each House in the ordinary legislative process, in which no new law or change in existing law can be made if a majority of either House does not favor it. It was the committee's position that no significant difference appeared to exist by reason of the fact that under the ordinary legislative process the unwillingness of either House to approve the making of new laws or a change in existing law is manifested by the negative act of refusing to register a favorable vote, whereas under the original Senate bill the unwillingness must be manifested by the affirmative act of the passage of a resolution of disapproval of a reorganization plan. The full import of this difference becomes even more apparent when regard is had to the stringent rule contained in the bill which makes impossible actions calculated to delay or prevent consideration of resolutions of disapproval.

In adopting this disapproval procedure the committee agreed that no amendments to exempt any agency of the Government or other restrictions would be included, but members of the committee reserved the right to submit amendments exempting specific agencies if the Senate failed to sustain the provision for the disapproval of a plan by simple resolution of either House.

The Senate unanimously approved S. 526, as recommended by the committee, on May 16, 1949. The House also passed a companion bill (H. R. 2361), with the restrictions outlined above, which was substituted for the Senate bill. The Senate bill was then included as an amendment, and sent to conference. The Senate conferees stood

solidly for retention of the provision for rejection by a simple majority vote of either House, which had been included in the Senate bill, the conferees agreeing to a considerable broadening of the President's authority compared with previous reorganization acts.

As finally approved in conference, after an impasse which lasted for several weeks, the bill incorporated Senate proposals granting the President authority to propose the creation of new departments—a power which was not given to him under earlier acts—and eliminated all restrictive and limiting provisions, but incorporated the provision requiring that a reorganization plan submitted under the act would require the adoption of a resolution of disapproval by a majority of the authorized membership of either House. The Senate, in approving the original Senate bill, had made it clear that the granting of these additional powers to the President had been conditioned upon retention of the provision permitting rejection of any plan by a simple majority vote of either House, and the concessions made by the conferees were approved only because they were necessary if any reorganization authority was to be granted to the President. The bill, which originally established April 1, 1953, as the final date for the submission of plans, was signed by the President on June 20, 1949, as Public Law 109.

The committee, in reporting the bill to extend the President's reorganization authority under the act to April 1, 1955, in the 83d Congress, and to June 1, 1957, in the 84th Congress, reaffirmed both its own and the views of the Senate when the original act was approved in 1949. Since the Senate version of the 1949 act was not permitted to become law, and the existing abnormal method of procedure under the disapproval formula was adopted at the insistence of the House conferees, the committee held that it was only proper that the House should take the initiative in changing the method of disapproval. The majority agreed, however, that the same reorganization authority granted to President Truman should be extended to President Eisenhower, and therefore recommended the extension of the act as approved by the House. The House bill, H. R. 1979, was approved in the Senate on recommendations of the committee (S. Rept. 36), and was enacted into law (Public Law 3, 83d Cong.). In the 84th Congress, S. 613, extending the authority to April 1, 1957, was reported favorably on January 26, 1955 (S. Rept 16). A companion bill, H. R. 2576, extending the authority to April 1, 1958, was passed by the House of Representatives on January 26, 1955, and was amended in the Senate with a cutoff date of April 1, 1957, as recommended by the Committee on Government Operations. The Senate insisted on its amendment and referred the bill back to the House, where the House bill was further amended to fix the expiration date as June 1, 1957, which amendment was agreed to in the Senate and approved by the President on March 25, 1955, as Public Law No. 16.

#### PLANS SUBMITTED UNDER REORGANIZATION ACTS

President Hoover initiated 11 plans under the authority of the act of 1932, all of which were defeated through veto action in the House of Representatives, due to the impending change in administration. Under the 1933 act reorganizations were effected in agricultural, credit, procurement, disbursement, national park, immigra-



tion, internal revenue, and various other functions. President Roosevelt submitted five plans under the act of 1939, involving the creation of the Federal Security Agency, the Federal Works Agency, and the Federal Loan Agency, all of which were permitted to become law. Under this act the Executive Office of the President was also established.

Temporary changes effected under the War Powers Act, although extensive in some areas, were required to be made permanent under direct legislative action, or through permanent authority granted under the act of 1945. Under this latter act, President Truman submitted 7 plans, 3 of which were disapproved by concurrent resolutions of both Houses of Congress. Sections of these were approved by other plans submitted subsequently, to overcome objections raised to provisions in the original plans.

President Truman submitted a total of 41 reorganization plans under the authority of the Reorganization Act of 1949, which expired on April 1, 1953 (8 in 1949, 27 in 1950, 1 in 1951, and 5 in 1952), 30 of which were permitted to become effective. Of the 11 remaining reorganization plans, 2 were duplications of plans originally rejected and later approved with modifications to meet Senate objections; 8 were disapproved by the Senate and 1 by the House. One of the plans, dealing with reorganization of the National Military Establishment, was incorporated in Public Law No. 216, 81st Congress. Had the formula for disapproval for such plans recommended by the Senate been in effect, authorizing disapproval of plans by only a simple majority of either House, two more of the plans, No. 9 of 1950 relating to the Federal Power Commission, and No. 1 of 1951 on the reorganization of the Reconstruction Finance Corporation, would have been rejected by the Senate.

President Eisenhower submitted a total of 12 reorganization plans under authority of the act, as extended to April 1, 1955, during the 83d Congress, all of which became effective. The plans included the creation of the Department of Health, Education, and Welfare, the Foreign Operations Administration, and the United States Information Agency; others included realignments and transfers of functions affecting a number of Federal agencies.

In the 84th Congress, the President submitted two plans: No. 1 of 1956, to improve the management of research and development programs in the Department of Defense, and No. 2 of 1956, to provide for the establishment of the Federal Savings and Loan Insurance Corporation as an independent agency of the Federal Government. Both of these plans were disapproved by the House of Representatives on July 5, 1956, by voice vote.

The following table sets forth action taken on plans submitted to the 81st, 82d, 83d, and 84th Congresses, under authority of the Reorganization Act of 1949, as amended:

## AMENDING THE REORGANIZATION ACT OF 1949

*Action on reorganization plans, 81st and 82d Congs.*

## REORGANIZATION PLANS OF 1949

Plan No.	Title	Senate resolution of disapproval No.	S. Rept. No.	Senate vote on resolution of disapproval		
				Yeas	Nays	Date
1	Department of Welfare.....	147	<sup>1</sup> 851	60	32	Aug. 16, 1949
2	Bureau of Employment Security.....	151	<sup>2</sup> 852	<sup>3</sup> 4 32	57	Aug. 17, 1949
3	Post Office Department.....	None	837			
4	National Security Council and National Security Resources Board.....	None	838			
5	Civil Service Commission.....	None	839			
6	Maritime Commission.....	None	840			
7	Public Roads Administration.....	155	927	<sup>3</sup> 40	47	Aug. 17, 1949
8	National Military Establishment <sup>4</sup> .....	None	None			

## REORGANIZATION PLANS OF 1950

1	Department of Treasury.....	246-247	<sup>6</sup> 1518	65	13	May 11, 1950
2	Department of Justice.....	None	1683			
3	Department of Interior.....	None	1545			
4	Department of Agriculture.....	263	<sup>6</sup> 1566	( <sup>7</sup> )		May 18, 1950
5	Department of Commerce.....	259	<sup>6</sup> 1561	<sup>3</sup> 4 29	43	May 23, 1950
6	Department of Labor.....	None	1684	( <sup>4</sup> )		
7	Interstate Commerce Commission.....	253	<sup>6</sup> 1567	66	13	May 17, 1950
8	Federal Trade Commission.....	254	1562	<sup>3</sup> 34	37	May 22, 1950
9	Federal Power Commission.....	255	1563	<sup>3</sup> 37	36	Do.
10	Securities and Exchange Commission.....	None	1685			
11	Federal Communications Commission.....	256	1564	50	23	May 17, 1950
12	National Labor Relations Board.....	248	<sup>6</sup> 1516	53	30	May 11, 1950
13	Civil Aeronautics Board.....	None	1686			
14	Labor Standards Enforcement.....	None	1546			
15	Alaska and Virgin Islands Public Works.....	None	1547			
16	Assistance to School Districts and Water Pollution Control.....	None	1548			
17	Advance Planning and War Public Works.....	271	1676	<sup>3</sup> 29	43	May 23, 1950
18	Building and Space Management Functions.....	270	1675	<sup>3</sup> 7	69	Do.
19	Employee's Compensation Functions.....	None	1549			
20	Statutes at Large and Other Matters.....	None	1550			
21	Maritime Commission.....	265	1674	<sup>3</sup> 14	59	May 19, 1950
22	Federal National Mortgage Association.....	299	1936	<sup>3</sup> 30	43	July 6, 1950
23	Loans for Factory Built Homes.....	None	1870			
24	RFC to Department of Commerce.....	290	1868	( <sup>4</sup> ) ( <sup>7</sup> )		July 6, 1950
25	National Security Resources Board.....	None	None			
26	Department of the Treasury <sup>8</sup> .....	None	1869			
27	Department of Health, Education, and Security <sup>9</sup> .....	302	1943	( <sup>10</sup> )	( <sup>10</sup> )	( <sup>10</sup> )

## REORGANIZATION PLAN OF 1951

1	Reconstruction Finance Corporation.....	76	<sup>6</sup> 213	<sup>3</sup> 11 41	33	Apr. 13, 1951
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## REORGANIZATION PLANS OF 1952

1	Bureau of Internal Revenue.....	285	1259	<sup>3</sup> 4 37	53	Mar. 13, 1952
2	Post Office Department.....	317	<sup>2</sup> 1747	56	29	June 18, 1952
3	Bureau of Customs, Treasury Department.....	331	<sup>2</sup> 1748	51	31	Do.
4	Department of Justice (United States marshals).....	330	<sup>2</sup> 1749	55	28	Do.
5	District of Columbia.....	None	1735			

<sup>1</sup> Report in 3 separate parts: 1 majority and 2 minority.<sup>2</sup> Report in 2 separate parts: 1 majority and 1 minority.<sup>3</sup> Senate failed to pass disapproving resolution by necessary 49 votes, and plan became effective.<sup>4</sup> Disapproving resolution in House failed of passage by voice vote.<sup>5</sup> Superseded by Public Law 216, Aug. 10, 1949.<sup>6</sup> Report contains majority and minority views.<sup>7</sup> Senate approved resolution by voice vote.<sup>8</sup> Same as plan No. 1 of 1950, except that Comptroller of the Currency is excluded.<sup>9</sup> Designed to overcome objections to plan No. 1 of 1949.<sup>10</sup> House adopted disapproving H. Res. 647 by vote of 249 to 71 on July 10, 1950 (H. Rept. 2320).<sup>11</sup> House rejected disapproving H. Res. 142 by vote of 200 to 198 on Mar. 14, 1951 (H. Rept. 188).

*Action on reorganization plans, 83d Cong.*

## REORGANIZATION PLANS OF 1953

Plan No.	Title	Senate resolution of disapproval No.	S. Rept. No.	Senate vote on resolution of disapproval		
				Yeas	Nays	Date
1	Department of Health, Education, and Welfare.....	None	128			May 27, 1953
2	Department of Agriculture.....	100	297	29	46	
3	Office of Defense Mobilization.....	None				
4	Department of Justice.....	None				
5	Export-Import Bank of Washington.....	None				
6	Department of Defense <sup>1</sup> .....	None				
7	Foreign Operations Administration.....	None				
8	United States Information Agency.....	None				
9	Council of Economic Advisers.....	None				
10	Payments to Air Carriers.....	None				

## REORGANIZATION PLANS OF 1954

1	Foreign Claims Settlement Commission of the United States.....	None				
2	Liquidation of Certain Affairs of the Reconstruction Finance Corporation.....	None				

<sup>1</sup> Referred to the Senate Committee on Armed Services under an agreement entered into between the 2 committees.

*Action on reorganization plans, 84th Cong.*

## REORGANIZATION PLANS OF 1956

Plan No.	Title	Senate resolution of disapproval No.	S. Rept. No.	Senate vote on resolution of disapproval		
				Yeas	Nays	Date
1	Department of Defense.....	<sup>1</sup> None	None			
2	Federal Savings and Loan Insurance Corporation.....	<sup>1</sup> 291	2388			

<sup>1</sup> H. Res. 534, disapproving plan No. 1, and H. Res. 541, disapproving plan No. 2, were approved by the House of Representatives on July 5, 1956, by voice vote. Senate action was therefore unnecessary.

## CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

## SEC. 5. \* \* \*

(b) No provision contained in a reorganization plan shall take effect unless the plan is transmitted to the Congress before **[June 1, 1957]** *June 1, 1959.*



## [PUBLIC LAW 109—81ST CONGRESS]

(as amended)

## [CHAPTER 226—1ST SESSION]

[H. R. 2361]

AN ACT To provide for the reorganization of Government agencies, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## TITLE I

## SHORT TITLE

SECTION 1. This Act may be cited as the "Reorganization Act of 1949".

## NEED FOR REORGANIZATIONS

SEC. 2. (a) The President shall examine and from time to time re-examine the organization of all agencies of the Government and shall determine what changes therein are necessary to accomplish the following purposes:

(1) to promote the better execution of the laws, the more effective management of the executive branch of the Government and of its agencies and functions, and the expeditious administration of the public business;

(2) to reduce expenditures and promote economy, to the fullest extent consistent with the efficient operation of the Government;

(3) to increase the efficiency of the operations of the Government to the fullest extent practicable;

(4) to group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;

(5) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and

(6) to eliminate overlapping and duplication of effort.

(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by proceeding under the provisions of this Act, and can be accomplished more speedily thereby than by the enactment of specific legislation.

## REORGANIZATION PLANS

SEC. 3. Whenever the President, after investigation, finds that—

(1) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency; or

(2) the abolition of all or any part of the functions of any agency; or

(3) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof,

with the whole or any part of any other agency or the functions thereof; or

(4) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or

(5) the authorization of any officer to delegate any of his functions; or

(6) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the reorganization plan will not have, any functions,

is necessary to accomplish one or more of the purposes of section 2 (a), he shall prepare a reorganization plan for the making of the reorganizations as to which he has made findings and which he includes in the plan, and transmit such plan (bearing an identifying number) to the Congress, together with a declaration that, with respect to each reorganization included in the plan, he has found that such reorganization is necessary to accomplish one or more of the purposes of section 2 (a). The delivery to both Houses shall be on the same day and shall be made to each House while it is in session. The President, in his message transmitting a reorganization plan, shall specify with respect to each abolition of a function included in the plan the statutory authority for the exercise of such function, and shall specify the reduction of expenditures (itemized so far as practicable) which it is probable will be brought about by the taking effect of the reorganizations included in the plan.

#### OTHER CONTENTS OF PLANS

SEC. 4. Any reorganization plan transmitted by the President under section 3—

(1) shall change, in such cases as he deems necessary, the name of any agency affected by a reorganization, and the title of its head; and shall designate the name of any agency resulting from a reorganization and the title of its head;

(2) may include provisions for the appointment and compensation of the head and one or more other officers of any agency (including an agency resulting from a consolidation or other type of reorganization) if the President finds, and in his message transmitting the plan declares, that by reason of a reorganization made by the plan such provisions are necessary. The head so provided for may be an individual or may be a commission or board with two or more members. In the case of any such appointment the term of office shall not be fixed at more than four years, the compensation shall not be at a rate in excess of that found by the President to prevail in respect of comparable officers in the executive branch, and, if the appointment is not under the classified civil service, it shall be by the President, by and with the advice and consent of the Senate, except that, in the case of any officer of the municipal government of the District of Columbia, it may be by the Board of Commissioners or other body or officer of such government designated in the plan;

(3) shall make provision for the transfer or other disposition of the records, property, and personnel affected by any reorganization;

(4) shall make provision for the transfer of such unexpended balances of appropriations, and of other funds, available for use in connection with any function or agency affected by a reorganization, as he deems necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which shall have such functions after the reorganization plan is effective, but such unexpended balances so transferred shall be used only for the purposes for which such appropriation was originally made;

(5) shall make provision for terminating the affairs of any agency abolished.

#### LIMITATIONS ON POWERS WITH RESPECT TO REORGANIZATIONS

SEC. 5. (a) No reorganization plan shall provide for, and no reorganization under this Act shall have the effect of—

(1) abolishing or transferring an executive department or all the functions thereof or consolidating any two or more executive departments or all the functions thereof; or

(2) continuing any agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made; or

(3) continuing any function beyond the period authorized by law for its exercise, or beyond the time when it would have terminated if the reorganization had not been made; or

(4) authorizing any agency to exercise any function which is not expressly authorized by law at the time the plan is transmitted to the Congress; or

(5) increasing the term of any office beyond that provided by law for such office; or

(6) transferring to or consolidating with any other agency the municipal government of the District of Columbia or all those functions thereof which are subject to this Act, or abolishing said government or all said functions.

(b) No provision contained in a reorganization plan shall take effect unless the plan is transmitted to the Congress before *June 1, 1959*.

#### TAKING EFFECT OF REORGANIZATIONS

SEC. 6. (a) Except as may be otherwise provided pursuant to subsection (c) of this section, the provisions of the reorganization plan shall take effect upon the expiration of the first period of sixty calendar days, of continuous session of the Congress, following the date on which the plan is transmitted to it; but only if, between the date of transmittal and the expiration of such sixty-day period there has not been passed by either of the two Houses, by the affirmative vote of a majority of the authorized membership of that House, a resolution stating in substance that that House does not favor the reorganization plan.

(b) For the purposes of subsection (a)—

(1) continuity of session shall be considered as broken only by an adjournment of the Congress sine die; but

(2) in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than three days to a day certain.



(c) Any provision of the plan may, under provisions contained in the plan, be made operative at a time later than the date on which the plan shall otherwise take effect.

#### DEFINITION OF "AGENCY"

SEC. 7. When used in this Act, the term "agency" means any executive department, commission, council, independent establishment, Government corporation, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the Government, and means also any and all parts of the municipal government of the District of Columbia except the courts thereof. Such term does not include the Comptroller General of the United States or the General Accounting Office, which are a part of the legislative branch of the Government.

#### MATTERS DEEMED TO BE REORGANIZATIONS

SEC. 8. For the purposes of this Act the term "reorganization" means any transfer, consolidation, coordination, authorization, or abolition, referred to in section 3.

#### SAVING PROVISIONS

SEC. 9. (a) (1) Any statute enacted, and any regulation or other action made, prescribed, issued, granted, or performed in respect of or by any agency or function affected by a reorganization under the provisions of this Act, before the effective date of such reorganization, shall, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law or by the abolition of a function, have the same effect as if such reorganization had not been made; but where any such statute, regulation, or other action has vested the function in the agency from which it is removed under the plan, such function shall, insofar as it is to be exercised after the plan becomes effective, be considered as vested in the agency under which the function is placed by the plan.

(2) As used in paragraph (1) of this subsection the term "regulation or other action" means any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

(b) No suit, action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of the taking effect of any reorganization plan under the provisions of this Act, but the court may, on motion or supplemental petition filed at any time within twelve months after such reorganization plan takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the successor of such head or officer under the reorganization effected by such plan or, if there be no such successor, against such agency or officer as the President shall designate.

## UNEXPENDED APPROPRIATIONS

SEC. 10. The appropriations or portions of appropriations unexpended by reason of the operation of this Act shall not be used for any purpose, but shall be impounded and returned to the Treasury.

## PRINTING OF REORGANIZATION PLANS

SEC. 11. Each reorganization plan which shall take effect shall be printed in the Statutes at Large in the same volume as the public laws, and shall be printed in the Federal Register.

## TITLE II

SEC. 201. The following sections of this title are enacted by the Congress:

(a) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in section 202); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

SEC. 202. As used in this title, the term "resolution" means only a resolution of either of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the ——— does not favor the reorganization plan numbered — transmitted to Congress by the President on ———, 19——.", the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled; and does not include a resolution which specifies more than one reorganization plan.

SEC. 203. A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

SEC. 204. (a) If the committee to which has been referred a resolution with respect to a reorganization plan has not reported it before the expiration of ten calendar days after its introduction, it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such reorganization plan which has been referred to the committee.

(b) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same reorganization plan), and debate thereon shall be limited to not to exceed one hour, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall

be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(e) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same reorganization plan.

SEC. 205. (a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(b) Debate on the resolution shall be limited to not to exceed ten hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

SEC. 206. (a) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a reorganization plan, and all motions to proceed to the consideration of other business, shall be decided without debate.

(b) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate.

Approved June 20, 1949.

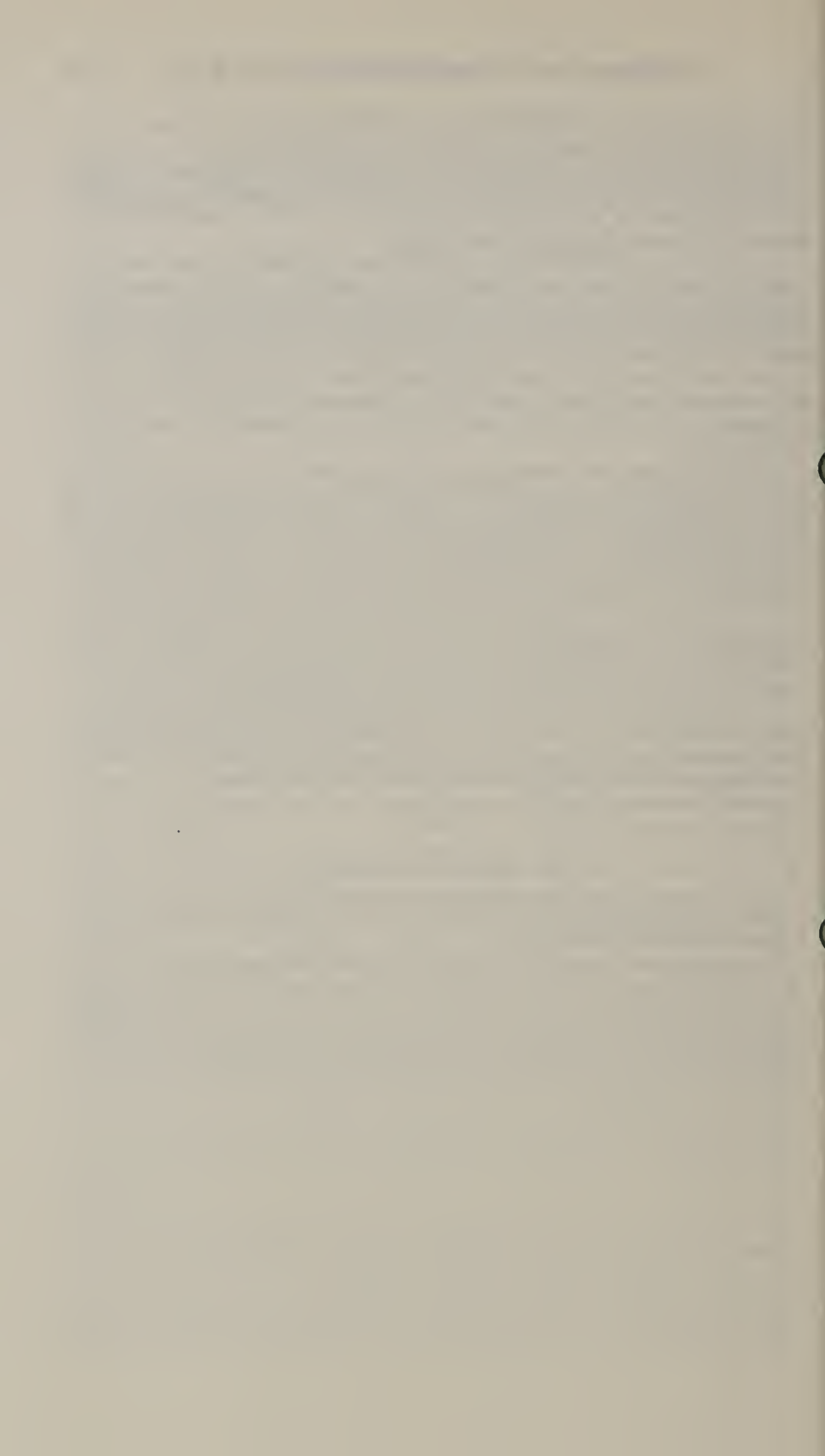
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[S. 1791, 85TH CONGRESS]

A BILL To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (b) of section 5 of the Reorganization Act of 1949 (63 Stat. 205), as amended by the Act of February 11, 1953 (67 Stat. 4) and the Act of March 25, 1955 (69 Stat. 14), is hereby further amended by striking out "June 1, 1957" and inserting in lieu thereof "June 1, 1959".

( )









85TH CONGRESS  
1ST SESSION

# S. 1791

[Report No. 386]

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## IN THE SENATE OF THE UNITED STATES

APRIL 4, 1957

Mr. McCLELLAN introduced the following bill; which was read twice and referred to the Committee on Government Operations

MAY 29, 1957

Reported by Mr. McCLELLAN, without amendment

---

## A BILL

To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959.

1       *Be it enacted by the Senate and House of Representa-*  
2   *tives of the United States of America in Congress assembled,*  
3   That subsection (b) of section 5 of the Reorganization Act of  
4   1949 (63 Stat 205), as amended by the Act of February 11,  
5   1953 (67 Stat. 4) and the Act of March 25, 1955 (69 Stat.  
6   14), is hereby further amended by striking out "June 1,  
7   1957" and inserting in lieu thereof "June 1, 1959".

86TH CONGRESS  
1ST SESSION

S. 1791

[Report No. 386]

A BILL

To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959.

By Mr. McCLELLAN

APRIL 4, 1957

Read twice and referred to the Committee on Government Operations

MAY 29, 1957

Reported without amendment







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

Issued June 6, 1957  
For actions of June 5, 1957  
85th-1st, No. 96

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HIGHLIGHTS: (See Page 6.)

## HOUSE

1. FOREIGN TRADE; SURPLUS DISPOSAL. The Rules Committee reported an open rule waiving points of order on H.R. 6974, to extend the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) for one year. pp. D492, A4396, A4398
2. ACREAGE ALLOTMENTS. A subcommittee of the Agriculture Committee ordered reported with amendment H.R. 5678 (a clean bill is to be introduced), to make automatic the provision for protection of unused acreage allotment history during the period of the Soil Bank. pp. D491-92
3. LOANS. Received from the Budget Bureau a proposed bill "to insure greater consistency among Federal loan programs, to avoid hidden subsidies, and to achieve more effective coordination between Federal loan programs and the fiscal and credit policies of the Federal Government"; to Ways and Means Committee. p. 7526

## SENATE

4. APPROPRIATIONS. The Agriculture Subcommittee ordered reported to the full Appropriations Committee H.R. 7441, the agricultural appropriation bill. p.D490  
Sen. Johnson inserted a summary of Senate reductions in appropriation bills for 1958 as of June 5. p. 7468

5. RESEARCH. S. Res. 131, to print the report of the Commission on Increased Industrial Use of Agricultural Products, was reconsidered and agreed to with an amendment providing that the report be printed. p. 7466
6. FOREIGN TRADE. Passed without amendment H.R. 4136, extending for 5 years, until 1963, the power of the Export-Import Bank to make loans. pp. 7467, 7472, 7480-1. This bill will now be sent to the President.
7. BUDGETING. Passed as reported S. 434, to authorize budgeting on an accrued expenditures basis. pp. 7468-71
8. DISEASE INSPECTION. Sens. Humphrey and Thye urged a review of the procedures used in brucellosis inspection which they asserted were slowing up the fight on brucellosis and the discovery of reactors. pp. 7474-5
9. REORGANIZATION. Passed without amendment S. 1791, extending the Reorganization Act of 1949 until June 1, 1959. pp. 7485-6
10. WILDERNESS. Sen. Morse criticized the reduction made in the Three Sisters Wilderness Area and urged a review of wilderness procedures. He inserted a speech by the Chief of the Forest Service on "The National Forest Wilderness System." pp. 7509-11
11. BUILDINGS. The Subcommittee on Public Buildings and Grounds agreed to report to the Public Works Committee a bill to amend the Public Buildings Purchase Contract Act of 1954. p. D491
12. ELECTRIFICATION; RECLAMATION; TAX AMORTIZATION. Sen. Morse inserted a petition urging a high dam at Hells Canyon and a news article on the Idaho Power Co. tax amortization situation. p. 7444  
Sen. Church inserted an editorial criticizing the White House stand on Pacific Northwest resources development as contradictory, and several letters on the Pleasant Valley Dam proposal. pp. 7460-2  
Sen. Neuberger inserted two articles on the urgent need of Ore. for power, and urged a new priority system for industrial uses of power. pp. 7462-3  
Received from the Interior Department supplemental data to its report on the Trinity River section, Central Valley project. p. 7442  
Sen. Goldwater inserted a statement on the cost to the U.S. of the Idaho Power Co. tax writeoff certificates, stating that the figures given were arrived at by "mathematical legerdemain." pp. 7482-3  
Sen. Neuberger inserted two editorials criticizing the fast tax writeoff given the Idaho Power Co. pp. 7506-7  
Sen. Morse inserted an editorial supporting his position on the Idaho Power Co. tax amortization certificates, and another supporting his stand on criticism of the President. p. 7511  
Sen. Morse inserted an editorial "Hells Canyon and Taxes," which urged that rapid amortization be abandoned. p. 7512
13. EXPENDITURES; PERSONNEL. The Joint Committee on Reduction of Nonessential Federal Expenditures submitted its report on Federal employment and pay for April. pp. 7444-8
14. FARM BUREAU. Sen. Wiley inserted excerpts from the Wis. Farm Bureau's newspaper commemorating the dedication of its new State office building. pp. 7455-7



"I don't know. That's what scares me more than anything else. I just don't know the answers."

And this admission of impotence—or at least failure on the part of a man of Rathbone's power to see how the spiral can be stopped—is the grimmest part of this grim report.

If neither giant business nor giant labor nor giant government will take positive action to curb it, where does it end?

### LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I have previously announced that on tomorrow the Senate will consider the sockeye salmon fisheries protocol. In addition, the Senate may consider Calendar No. 390, H. R. 7143, to continue in effect the provisions relating to the authorized personnel strengths of the Armed Forces.

I should also like now to give notice that the following bills, which have been cleared for floor action, may be considered tomorrow:

Calendar No. 403, S. 1535, to amend the Federal Property and Administrative Services Act of 1949 to authorize the Administrator of General Services to make contracts for cleaning and custodial services for periods not exceeding 5 years.

Calendar No. 404, S. 1799, to facilitate the payment of Government checks, and for other purposes.

Calendar No. 405, S. 1408, to provide allowances for transportation of house trailers to civilian employees of the United States who are transferred from one official station to another.

Calendar No. 406, S. 1141, to authorize and direct the Administrator of General Services to donate to the Philippine Republic certain records captured from insurgents during 1899–1903.

Mr. President, I also express the hope that the Judiciary Committee will take early action on previously approved House bills of a private nature, and also report to the Senate any Senate bills of a similar nature at the earliest possible date.

Mr. President, I now turn to another subject.

The PRESIDING OFFICER (Mr. SCOTT in the chair). The Senator from Texas has the floor.

### RICHARD L. COE, AN ARTICLE CONTRIBUTED TO THE USIA—CORRECTION

Mr. JOHNSON of Texas. Mr. President, I have been requested by Mr. Richard L. Coe, of the Washington Post and Times Herald, to correct a previous RECORD in which he was listed as being paid \$50 by the United States Information Agency for an article.

The material which was put into the RECORD, of course, had been supplied by the USIA itself. There was no thought in my mind that there was any imputation concerning the individual newsmen involved.

Since Mr. Coe wants the RECORD to be entirely clear, I will read his letter into the RECORD at this point:

THE WASHINGTON POST  
AND TIMES HERALD,  
Washington, D. C., June 1, 1957.

Hon. LYNDON B. JOHNSON,  
United States Senate,  
Washington, D. C.

MY DEAR SENATOR JOHNSON: I was distressed to learn that my name appears in the list of newsmen contributing to USIA pamphlets for pay, recently commented upon by you in the CONGRESSIONAL RECORD.

My distinct understanding with USIA and with the State Department's Foreign Service School has been that my contributions have been without pay. I have never been paid a cent by either. To the first I contributed two articles, to the second two lectures, later mimeographed and widely distributed to American personnel abroad, within the past 18 months.

I might add that there is one other activity from which I do not receive pay. As a member of the international exchange program's drama panel, my way is paid to monthly meetings in New York. Since the expenses for each trip far exceed the travel allowance, I also go into the financial hole personally for my belief in spreading the facts about our country's cultural achievements.

It has been a policy of this paper for its staff not to receive money from a Government agency. I was, however, honored to be asked and felt it my duty to contribute on this limited scale for reports on my field. The paper's policy, it seems to me, is wise, for it means that my own belief in USIA is without personal gain. For this reason, I am sure you will see how deeply I regret my name being incorrectly listed. It also has put me in an awkward position with my employers.

Ironically, I might add that the free time I have given might have been far more remuneratively spent. Each article and speech represents the minimum of several weeks' work, financially worth 20 times the amount I am erroneously stated to have received.

I am writing Senator FULBRIGHT about this as well as Mr. Henry Kranz, my USIA contact, to inquire how it happens that my name appeared in the appropriations list.

I certainly wish the RECORD could be corrected in this matter, for I keenly regret that my belief in USIA's functions could be construed to have overtones of personal profit.

Sincerely,

RICHARD L. COE,  
Drama Editor.

### TOBACCO AND CANCER

Mr. KEFAUVER. Mr. President, tobacco both as the basis for industry and an important segment of agriculture is of great importance.

It was the substance of the first international trade. It is of particular importance in the Middle South, where most of the tobacco is grown and where much of the industry based on tobacco is located. My own State of Tennessee, which is a substantial producer of burley and other kinds of tobacco, which has been increasing in value and importance, has a vital stake in the tobacco business.

For some years charges have been made that the smoking of cigarettes had a relationship to the development of cancer of the lungs and heart disease. The American Cancer Society has now released the findings of a scientific committee, based on a long statistical study. The conclusions of the committee are

that cigarette smoking increases the likelihood of lung cancer and heart disease. The effect of this report will be felt throughout the tobacco industry.

What has not been discovered is a causative agent in cigarette smoke. We do not know if the causative agent is in the tobacco itself, in the cigarette paper, or exactly what it is. We simply do not know.

The tobacco industry, of course, is co-operating in scientific efforts to find this cause. Once it is isolated and identified, steps can be taken to remove it or lessen its effect.

Since the interest of a great industry is involved, and since a thriving portion of our agriculture is at stake, it seems to me that the appropriate scientific resources of the Federal Government ought to be brought into the picture.

The tobacco industry is a basis for hundreds of millions of dollars in taxes paid both to the Federal Government and the State governments, and often to municipalities. In view of the billions of dollars which it has produced for the Treasury during its long history, it seems only fair and right that we should be willing to help the tobacco industry find the answer to the problem promptly.

Time and time again Congress has demonstrated its vital concern of the Nation's health. Here is a matter that concerns deeply the majority of our citizens who are smokers. It concerns our tax revenues. It affects an important industry. It affects the lives of many thousands of farmers and the communities in which they trade. The need for action is immediate, and time is of the essence.

### AMENDMENT OF REORGANIZATION ACT OF 1949, AS AMENDED

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 393, S. 1791.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1791) to amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the call of the roll be rescinded.

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.



The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. JOHNSON of Texas. Do I correctly understand that the pending business is Calendar No. 393, Senate bill 1791, amending the Reorganization Act of 1949, as amended?

The PRESIDING OFFICER. That is correct.

Mr. JOHNSON of Texas. The distinguished junior Senator from Minnesota [Mr. HUMPHREY] is in the Chamber, and is prepared to explain this measure. I ask that he be recognized for that purpose.

Mr. HUMPHREY. Mr. President—  
The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, this bill proposes that the Reorganization Act of 1949 be continued from its present expiration date of June 1, 1957, to June 1, 1959. Inasmuch as we are now in the first week of June, it is obvious that this measure must be enacted promptly if the work involving reorganization of the Government under the terms of the Hoover Commission reports is to be continued.

The objective of the bill is to permit more effective reorganization of the executive branch of the Government, by authorizing the President to submit reorganization plans which will become law unless disapproved by a majority of the authorized membership of either House within 60 calendar days following the date of submission.

The President has recommended the enactment of this measure, as has the Director of the Bureau of the Budget. The bill has full administration support. Furthermore, the bill was unanimously reported by the Committee on Government Operations; and the bill was introduced by the chairman of the committee, the Senator from Arkansas [Mr. McCLELLAN].

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1791) was ordered to be engrossed for a third reading, read the third time, and passed as follows:

*Be it enacted, etc.,* That subsection (b) of section 5 of the Reorganization Act of 1949 (63 Stat. 205), as amended by the act of February 11, 1953 (67 Stat. 4) and the act of March 25, 1955 (69 Stat. 14), is hereby further amended by striking out "June 1, 1957" and inserting in lieu thereof "June 1, 1959."

#### PAYMENT OF TRANSPORTATION AND SUBSISTENCE COSTS TO TEMPORARY EMPLOYEES ON FEDERAL HIGHWAY PROJECTS

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 394, Senate bill 1941, to authorize the payment by the Bureau of Public Roads of transportation and subsistence costs to temporary employees on direct Federal highway projects.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 1941) to authorize the payment by the

Bureau of Public Roads of transportation and subsistence costs to temporary employees on direct Federal highway projects, which had been reported from the Committee on Government Operations with amendments on page 2, line 1, after "1949", to insert "and the Standardized Travel Regulations insofar as consistent with this act", and, in line 3, after the word "of", where it appears the first time, to strike out "temporary" and insert "seasonal", so as to make the bill read:

*Be it enacted, etc.,* That funds authorized to be appropriated under the Federal-Aid Road Act approved July 11, 1916, as amended and supplemented, for direct Federal highway projects, and funds made available to the Bureau of Public Roads from other Federal agencies for such Federal projects shall be available, under regulations approved by the Secretary of Commerce, for payment of transportation expenses and per diem in lieu of subsistence expenses, in accordance with the Travel Expense Act of 1949, and the Standardized Travel Regulations insofar as consistent with this act, for travel of seasonal employees between points of hire and project locations and while performing duty at project locations.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Committee on Government Operations.

The amendments were agreed to.

Mr. ALLOTT. Mr. President, may we have a brief explanation of the bill?

Mr. HUMPHREY. Mr. President, the bill was introduced at the request of the Secretary of Commerce, who stated that enactment of the bill is necessary in view of a recent decision of the Comptroller General which precludes the payment of transportation and subsistence expenses in connection with the hiring of students and other available persons on a temporary or seasonal basis in carrying out direct Federal highway-construction programs.

The Secretary stressed the need for urgency, since the peak of the highway construction period is during the months of June, July, and August, and, without the authority requested, a serious staffing problem will be created. In other words, there would then be the problem of hiring permanent employees, instead of temporary employees.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1941) was ordered to be engrossed for a third reading, read the third time, and passed.

#### AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, AS AMENDED

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 395, Senate bill 1536, to amend subsection 507 (a) of the Federal Property and Administrative Services Act of 1949, as amended.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 1536) to amend subsection 507 (a) of

the Federal Property and Administrative Services Act of 1949, as amended.

The PRESIDING OFFICER. A companion (H. R. 5110) has been received from the House of Representatives.

Mr. HUMPHREY. Mr. President, is the House bill identical?

The PRESIDING OFFICER. The Chair so understands.

Mr. HUMPHREY. Then, Mr. President, in order to facilitate action on this measure, and if agreeable to the acting minority leader, I shall ask that Senate bill 1536 be temporarily laid aside, and that the Senate proceed to the consideration of House bill 5110, an identical bill.

The PRESIDING OFFICER. The Chair lays before the Senate a bill coming over from the House of Representatives.

The bill (H. R. 5110) to amend the Federal Property and Administrative Services Act of 1949, as amended, and for other purposes, was read twice by its title.

Mr. HUMPHREY. I move that the Senate proceed to the consideration of the House bill.

The motion was agreed to; and the Senate proceeded to the consideration of the bill (H. R. 5110) to amend the Federal Property and Administrative Services Act of 1949, as amended, and for other purposes.

Mr. HUMPHREY. Mr. President, the pending bill will amend section 507 of the Federal Property and Administrative Services Act of 1949, as amended, by authorizing the Administrator of General Services to direct and effect the transfer to the National Archives of any Federal records which have been in existence for more than 50 years. Under the provisions of the bill, the Archivist of the United States will determine whether the records have sufficient historical value to warrant their continued preservation. The authority would not apply in cases where the head of the agency certifies to the Administrator that the records must be retained in his possession for the conduct of current official business.

Mr. President, the real purpose of the bill is economy. Let me add that all the bills discussed in the past few minutes, which have been reported from the Committee on Government Operations, are directed toward substantial cash savings for the taxpayers. It is the belief of the committee, as well as those in the executive branch who, along with the Hoover Commission, have studied this situation, that by the elimination of some of the paperwork and the storage of the records, substantial savings in Federal expenditures will be made.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H. R. 5110) was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 1536 is indefinitely postponed.







# S. 1791

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IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 1957

Referred to the Committee on Government Operations

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## AN ACT

To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That subsection (b) of section 5 of the Reorganization Act  
4       of 1949 (63 Stat. 205), as amended by the Act of February  
5       11, 1953 (67 Stat. 4) and the Act of March 25, 1955 (69  
6       Stat. 14), is hereby further amended by striking out "June  
7       1, 1957" and inserting in lieu thereof "June 1, 1959".

Passed the Senate June 5, 1957.

Attest:

FELTON M. JOHNSTON,

*Secretary.*

85TH CONGRESS  
1ST Session

S. 1791

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## AN ACT

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To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959.

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JUNE 6, 1957

Referred to the Committee on Government Operations







# H. R. 8078

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 1957

Mr. DAWSON of Illinois (by request) introduced the following bill; which was referred to the Committee on Government Operations

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## A BILL

To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That subsection (b) of section 5 of the Reorganization Act  
4       of 1949 (63 Stat. 205), as last amended by the Act of  
5       March 25, 1955 (69 Stat. 14), is hereby further amended  
6       by striking out "June 1, 1957" and inserting in lieu thereof  
7       "June 1, 1959."

8       SEC. 2. Subsection (a) of section 6 of the Reorganiza-  
9       tion Act of 1949 (63 Stat. 205; 5 U. S. C. 133 z-4) i  
10       amended by striking out "by the affirmative vote of  
11       majority of the authorized membership of that House."

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## A BILL

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To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959.

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By Mr. Dawson of Illinois

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JUNE 11, 1957

Referred to the Committee on Government Operations

June 11, 1957

10. LEGISLATIVE PROGRAM. Sen. Johnson urged the Senate not to discuss irrelevant subjects during the week ahead in order to allow time for full discussion of the four appropriation bills to be passed, and stated his desire to have the Senate act on H.R. 6070, the independent offices appropriation bill, and H.R. 6287, the Labor-HEW appropriation bill, on Wed., June 12, meeting at 9:30. pp. 7858, 7939-40

HOUSE

11. ~~APPROPRIATIONS; ORGANIZATION. A subcommittee of the Government Operations Committee ordered reported with amendment the following bills: p. D516~~  
~~H.R. 8002, to provide for improved methods of stating budget estimates and estimates for deficiency and supplemental appropriations;~~  
~~H.R. 6711, to extend the termination date for the submission of reorganization plans to Congress, under the Reorganization Act, until June 1, 1961;~~  
~~H.R. 5900, to amend Sec. 206 of the Legislative Reorganization Act of 1946, so as to enable the Comptroller General more effectively to assist the Appropriations Committees in considering the budget by making special expenditure analyses of agency operations.~~
12. TRANSPORTATION. A subcommittee of the Interstate and Foreign Commerce Committee ordered reported S. 937, to amend Sec. 4 of the ICC Act so as to eliminate the necessity of ICC approval of certain rate publications, and H.R. 3233, with amendment, to amend Sec. 22 of the ICC Act so as to limit the carriage, storage, or handling of property for the U. S., State, or municipal Governments free or at reduced rates to periods during time of war or national emergency. p. D516
13. SMALL BUSINESS. The Banking and Currency Committee ordered reported H.R. 7963, to extend the Small Business Act. p. D515
14. LEGISLATIVE PROGRAM. Rep. Cramer discussed the relative support of the two parties in Congress of the President's legislative recommendations. pp. 7836-39
15. FOREIGN AFFAIRS. The Foreign Affairs Committee submitted a report on foreign policy and mutual security pursuant to H. Res. 29 (H. Rept. 551). p. 7839
16. ADJOURNED until Thurs., June 13. p. 7839

ITEMS IN APPENDIX

17. FLOOD CONTROL. Sen. Johnson expressed the great need for more dams for flood control and water conservation in Texas and inserted an article on this subject. p. A4544
18. FOREIGN TRADE. Sen. Javits stated that "failure to authorize membership in the OTC would seriously jeopardize the position of the United States as world leader," and inserted his letter to the Committee on Foreign Trade Education, Inc. outlining his views. pp. A4544-5  
Rep. Gary inserted Philip M. Talbott's, Pres., Chamber of Commerce of the U. S., address urging businessmen to do everything they can to help our Government maintain policies which facilitate the growth of freer foreign trade. pp. A4579-81
19. EXHIBITS. Sen. Thye inserted his press release in support of U. S. participation in world fairs and expositions. p. A4550



20. FOREIGN AID. Sen. Talmadge inserted an editorial favoring reduction in foreign aid spending. p. A4551
21. ELECTRIFICATION. Sen. Church inserted an editorial summarizing the accomplishments of the Senate Antimonopoly Subcommittee regarding the Idaho Power Co. at Hells Canyon dam. pp. A4559-60  
Rep. Evins inserted an editorial, "Propaganda Gimmick Exposed--Taxpayers Paying For Lobbying of Utilities, Oil, and Gas Companies." p. A4569
22. ST. LAWRENCE SEAWAY. Sen. Wiley inserted an article containing the facts and statistics of current work on the seaway as it "reaches its peak." p. A4563
23. FARM PROGRAM. Sen. Capehart inserted Under Secretary Morse's address, "New Dimensions In Farming," before a banquet sponsored by Charles Pfizner and Co., Inc., honoring 20 winners of 4-H Club animal health scholarships, at Terre Haute, Ind.. pp. A4567-8
24. STATEHOOD. Del. Burns inserted several articles favoring statehood for Alaska and Hawaii. pp. A4569-70
25. DAIRY INDUSTRY. Rep. Johnson, Wis., inserted an article describing the impact of dairying and the milk market on Wis. farm folk. pp. A4577-8
26. PERSONNEL. Rep. Lane inserted a Mass. Chapter of the Nat'l Ass'n of Retired Civil Employees on the high cost of living as it affects the low-income Federal civil-service annuitants. p. A4586
27. CONSERVATION. Rep. Saylor stated that conservation is not a problem for Congress alone and inserted an article commending the National Parks Ass'n on its student conservation program. p. A4591
28. BUDGET. Rep. Brooks, La. inserted Percival Brundage's, Director of the Bureau of the Budget, address, "The Federal Budget for 1958." pp. A4597-8

#### BILLS INTRODUCED

29. ACREAGE RESERVE. H.R. 8051, by Rep. Albert, H.R. 8063, by Rep. Edmondson, H.R. 8067, by Rep. Jarman, H.R. 8070, by Rep. Morris, H.R. 8073, by Rep. Steed, and S. 2264, by Sen. Kerr, to provide for an emergency acreage-reserve program in areas determined to be major disaster areas; to Agriculture and Forestry Committee and H. Agriculture Committee.  
H.R. 8052, by Rep. Albert, H.R. 8064, by Rep. Edmondson, H.R. 8069, by Rep. Morris, and H.R. 8074, by Rep. Steed, to provide for increased participation in the acreage reserve program by producers of basic commodities in major disaster areas; to Agriculture Committee.
30. MILK. H.R. 8058, by Rep. Boyle, to require the Secretary of Health, Education, and Welfare to fix a minimum standard of 3.5 percent butterfat for whole milk; to Interstate and Foreign Commerce Committee.
31. FARM PROGRAM. H.R. 8059, by Rep. Breeding, to provide an improved farm program; to Agriculture Committee. Remarks of author. p. A4568
32. PATENTS. H.R. 8066, by Rep. Hillings, to authorize the restoration of times taken from patents covering inventions whose practice was prevented or curtailed during certain emergency periods by service of the patent owner in the Armed Forces or by governmental controls; to Judiciary Committee.



# H. R. 8364

OF THE HOUSE OF REPRESENTATIVES

IN SENATE

AND OF THE HOUSE OF REPRESENTATIVES  
IN SENATE

## A BILL

TO

FOR

THE



# H. R. 8364

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 1957

Mr. DAWSON of Illinois (by request) introduced the following bill; which was referred to the Committee on Government Operations

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### A BILL

To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That subsection (b) of section 5 of the Reorganization Act  
4       of 1949 (63 Stat. 205; 5 U. S. C. z-3), as last amended  
5       by the Act of March 25, 1955 (69 Stat. 14), is hereby  
6       further amended by striking out "June 1, 1957" and insert-  
7       ing in lieu thereof "June 1, 1959".

8       SEC. 2. Subsection (a) of section 6 of the Reorganiza-  
9       tion Act of 1949 (63 Stat. 205; 5 U. S. C. 133 z-4) is  
10      amended by striking out "by the affirmative vote of a  
11      majority of the authorized membership of that House,".

## A BILL

To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959.

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By Mr. Dawson of Illinois

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JUNE 25, 1957

Referred to the Committee on Government Operations







HOUSE

June 27, 1957

17. APPROPRIATIONS. Received the conference report on H.R. 5189, the Interior appropriation bill for 1958, which includes Forest Service items (H. Rept. 653). (pp. 9440-42, 9494). See table at the end of this Digest for information regarding Forest Service items.  
A request by Rep. Kirwan for permission to file a conference report on H.R. 7441, the agricultural appropriation bill, by midnight, Thurs., June 27, was withdrawn at the request of Rep. Harrison, Va. (p. 9442). It is understood that the report of the conferees will not be filed for approximately a week.
18. PEANUTS. The Agriculture Committee reported with amendment H.R. 6570, to amend the Agricultural Adjustment Act of 1938 so as to remove green peanuts from the marketing penalty provisions (H. Rept. 649).
19. ORGANIZATION. The Government Operations Committee reported with amendment H.R. 8364, to amend the Reorganization Act of 1949 so as to make the Act applicable to reorganization plans transmitted to Congress at any time before June 1, 1959 (H. Rept. 657). p. 9494
20. HOUSING. Received the conference report on H.R. 6659, the housing bill for 1957 (H. Rept. 659). (pp. 9442, 9487-93, 9494) Authorizes grants by the Housing and Home Finance Administrator to the land-grant colleges for farm housing research of not to exceed \$300,000 for each of the years 1958 and 1959 as proposed by the House, instead of \$200,000 for each of these years as proposed by the Senate.
21. ADMINISTRATIVE ORDERS. A subcommittee of the Judiciary Committee ordered reported with amendment H.R. 6788, to authorize the abbreviation of the record on the review of enforcement of orders of administrative agencies by the courts of appeals. p. D589
22. ACCOUNTING. The Government Operations Committee <sup>ordered</sup> reported H.R. 8195, to facilitate the payment of Government checks. p. D589
23. SURPLUS DISPOSAL. Received from this Department a progress report on the orderly liquidation of stocks of agricultural commodities held by CCC, reflecting estimated activity under the various disposal programs, programs of disposition, and estimated remaining inventory as of June 30, 1958. pp. 9493-9
24. FORESTRY. Both Houses received from this Department and the Department of the Army a notice of intention of the two Departments to interchange jurisdiction of certain military and national forest lands, pursuant to Public Law 804, 84th Congress. pp. 9358, 9494  
Received a Wisc. Legislature memorial favoring legislation to restrict the importation of plywood. p. 9495
25. PERSONNEL. Passed as reported H.R. 6523, to amend the Federal Employees' Compensation Act to provide compensation for employees of the U.S. suffering injuries from war-risk hazards or during detention by a hostile force or person. p. 9447  
Rep. Lane spoke on the need for a program to decrease the shortage of scientists, engineers, and technicians. pp. 9464-65

Received from the Commerce Department a proposed bill to authorize the establishment of 88 positions for specially qualified scientific and professional personnel in Commerce at rates of compensation not to exceed the maximum rate payable under Public Law 313, 80th Congress; to Post Office and Civil Service Committee. p. 9494

25. POSTAL SERVICE. Received from the Postmaster General a cost ascertainment report for the 1956 fiscal year. p. 9494

27. LEGISLATIVE PROGRAM. Rep. McCormack announced that the Interior appropriation bill will probably be considered today, June 28. p. 9465

#### ITSMS IN APPENDIX

28. CONSERVATION. Rep. McGovern inserted an editorial which details the efforts of a S. Dak. farmer in the field of conservation farming. p. A5151

29. WATER RESOURCES. Rep. Brooks inserted a speech delivered before the Nat'l Rivers and Harbors Congress, "Water Resources and the Tidelands Area." pp. A5153-4

30. INFORMATION; CORN. Rep. Curtis, Mo., inserted a letter from the executive editor of the Congressional Quarterly news features in defense of certain charges made against the Quarterly's method of reporting rollcall votes, including the votes on the corn bills. pp. A5181-3

31. CORN. Rep. Coad inserted an article, "Grow Corn for Plastics," which points to another specific use of agricultural products for industrial purposes. pp. A5161-2

Rep. Knutson stated that the corn tassel, perhaps better than any other symbol, would be a fitting emblem for our country, and inserted articles and a letter on this subject. pp. A5166-7

32. REORGANIZATION. Rep. Cretella inserted a group message on the Hoover Commission Reports prepared by a group of private citizens outlining certain objectives. pp. A5169-70

33. INSECTICIDES. Rep. Reuss stated that lovers of wildlife the country over are deeply concerned over the effects of chemical sprays for trees and other vegetation on fish and wildlife and inserted articles by conservationists on this subject. p. A5174

34. 4-H CLUBS. Rep. Ikard inserted an award winning speech by a 4-H Club Member describing some of the accomplishments of club members. pp. A5175-6

#### BILLS INTRODUCED

35. DAIRY PRODUCTS. S. 2408, by Sen. Thye, to authorize a special milk program, a veterans and Armed Forces dairy products program, and an accelerated brucellosis eradication program; to Agriculture and Forestry Committee.

36. RECREATION. S. 2409, by Sen. Neuberger, to establish a Federal Recreation Service in the Department of Health, Education and Welfare; to Labor and Public Welfare Committee. Remarks of author. pp. 9359-60



FURTHER AMENDING THE REORGANIZATION ACT OF 1949, AS AMENDED, SO THAT SUCH ACT WILL APPLY TO REORGANIZATION PLANS TRANSMITTED TO THE CONGRESS AT ANY TIME BEFORE JUNE 1, 1959

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JUNE 27, 1957.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. DAWSON of Illinois, from the Committee on Government Operations, submitted the following

## REPORT

[To accompany H. R. 8364]

The Committee on Government Operations, to whom was referred the bill (H. R. 8364) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, line 4, after "5 U. S. C." add "133".

### GENERAL STATEMENT

H. R. 8364 proposes to extend the time to June 1, 1959, during which reorganization plans transmitted by the President to Congress under the provisions of the Reorganization Act of 1949 may take effect. The bill also proposes to amend the act so that plans submitted to the Congress may be disapproved by a majority vote of either the House or the Senate instead of by a vote of the "authorized majority" of either House as is now the law.

The President, in a message to Congress on April 1, 1957, recommended that Congress enact legislation extending the period for transmitting reorganization plans for 4 years. The Subcommittee on Executive and Legislative Reorganization conducted hearings, at which time the Director of the Bureau of the Budget, among others, appeared as a witness supporting the bill. Excerpts from his prepared statement are included.

The committee agreed that a 2-year period should be granted at this time rather than the 4 years requested.

The committee also agreed on a change in the procedure for the taking effect of reorganizations. Under existing law, a reorganization plan submitted by the President will take effect after 60 days unless, before the expiration of such time, a resolution of disapproval has been passed by the affirmative vote of a majority of the authorized membership of either of the two Houses of Congress. The committee felt that this decision should be by a simple majority of those present and voting. Similar action was taken by this committee in 1953, when it recommended the extension of the Reorganization Act until 1955.

### BRIEF HISTORY

The Reorganization Act of 1949 provides the means whereby the President may submit certain reorganizations in the executive branch of the Government to the Congress. Such provisions were originally found in the Economy Act of June 30, 1932. This act was amended and superseded by the act of March 3, 1933, as amended by the act of March 20, 1933. The Reorganization Act of 1939 was also approved for a 2-year period and expired in January 1941. Temporary wartime authority for emergency reorganization was provided under title I of the First War Powers Act of 1941, for the duration of the war and 6 months. The Reorganization Act of 1945, which expired on April 1, 1948, continued the prewar policy after its utilization had demonstrated certain advantages over normal legislative processes in expediting executive branch reorganizations. The Reorganization Act of 1949 continued this practice and provided for the transmission of reorganization plans to Congress before April 1, 1953. Public Law 3 of the 83d Congress extended the period for the transmission of reorganization plans to April 1, 1955. The 84th Congress, by Public Law 16, extended the act to June 1, 1957.

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EXCERPTS FROM STATEMENT OF PERCIVAL F. BRUNDAGE, DIRECTOR OF THE BUREAU OF THE BUDGET, BEFORE THE SUBCOMMITTEE ON LEGISLATIVE AND EXECUTIVE REORGANIZATION OF THE HOUSE COMMITTEE ON GOVERNMENT OPERATIONS, ON H. R. 6711, (Now H. R. 8364) A BILL TO AMEND THE REORGANIZATION ACT OF 1949, AS AMENDED

The Reorganization Act of 1949, as amended, authorizes the President to prepare and transmit to the Congress plans for the reorganization of executive agencies. However, subsection 5 (b) states that "No provision contained in a reorganization plan shall take effect unless the plan is transmitted to the Congress before June 1, 1957." Accordingly, unless legislation, such as H. R. 6711, is enacted, the President and the Congress will no longer be able to utilize the reorganization plan procedure which has proved its effectiveness in achieving timely improvements in the organization of the executive branch.

\* \* \* \* \*

The Reorganization Act authorizes a simplified procedure for improving the structure and management of the executive branch. Under that procedure, a reorganization plan providing for the reorganization of executive agencies and transmitted to the Congress by the President takes effect after 60 calendar days of congressional session, unless in that time it is disapproved by the adoption of a resolution in either House of the Congress by the vote of a majority of the authorized membership of that House. This procedure enables the President, as the responsible head of the executive branch, to initiate improvements in executive organization, and it reserves to the Congress effective powers of review and disapproval.

\* \* \* \* \*

The Reorganization Act has become a well-accepted and proven tool for helping to keep the executive branch well organized to meet its current needs and for attacking the problems of ineffectiveness, inefficiency, or uneconomical operations of government.

The cooperative executive-legislative approach authorized in the Reorganization Act was adopted after long experience had demonstrated that improvements in organization were difficult to achieve when the sole way of correcting defects was to rely upon the passage of specific legislation. Improvements were long delayed and often overdue when a reorganization contained in a bill had to pursue its course through the legislative machinery and overcome the forces of inertia and other obstacles. The Reorganization Act permits an alternative, or supplemental, way of approaching this problem, and it does so by clearly placing the responsibility for initiating improvements upon the President. In addition, it is an approach which provides ample safeguards for the rights of anyone who wishes to be heard for or against any particular proposed change.

The provisions of the present Reorganization Act have been developed over the past 25 years. While the early acts were experimental and did not always work too well, successive improvements have been made. Presidential initiation of organizational improvements subject to congressional review was authorized by the Economy Act of 1932. Under it, the President could provide for certain reorganizations of executive agencies by Executive orders which had to lie before the Congress for 60 days subject to disapproval by a simple majority of either House of the Congress. Eleven Executive orders were subsequently transmitted to the Congress and all were disapproved. Several reasons existed for disapproval and the act proved to be unsatisfactory.

In the Economy Act of 1933 changes were made to strengthen the procedure. It was provided that Presidential orders making reorganizations would automatically take effect after lying before the Congress for 60 days. The Congress could not prevent such an order from taking effect except by enacting specific legislation. This arrangement swung the balance in the opposite direction, and made congressional prevention of a reorganization very difficult. The reorganization provisions of the Economy Act of 1933 were in effect until March 19, 1935, during which time 8 principal and over 15 subsidiary orders took effect and none was disapproved.

The cooperative executive-legislative approach to reorganization was revived and greatly improved by the enactment of the Reorganization Act of 1939. That act authorized reorganization plans as we



know them today. Reorganization plans, prepared by the President, were transmitted to the Congress and became effective after 60 days unless disapproved by a concurrent resolution of both Houses of the Congress. This created a new and better balance between Presidential initiation and congressional review. Five reorganization plans were transmitted in 1939 and 1940 and all took effect.

During World War II, emergency powers were vested in the President to make wartime reorganizations by Executive order without congressional review. But after the war the Congress enacted the Reorganization Act of 1945 closely patterned after, and continuing the procedure of, the Reorganization Act of 1939. During the almost 2½ years that the 1945 act was in effect, 7 reorganization plans were transmitted to the Congress; 4 became effective, and 3 were disapproved.

The concurrent resolution procedure authorized by the 1939 and 1945 acts proved highly effective in those important prewar and post-war years. Those acts, however, contained a major defect which had been common in all the reorganization legislation up until that time; namely, they provided for the outright exemption of certain specified agencies and functions and the requirement for the special handling of others, thus preventing the application of the acts equally to all parts of the executive branch. Upon the recommendations of the President and the first Hoover Commission to make the reorganization plan procedure comprehensive in its scope, the Reorganization Act of 1949 contained no such exemptions or limitations. This was a major improvement in reorganization legislation. Coupled with that improvement was a change in the disapproval procedure. The Reorganization Act of 1949 provides for congressional disapproval of a plan by the adoption of a resolution by a majority of the authorized membership of either House of the Congress. This is the so-called one-House, constitutional-majority disapproval arrangement. The period during which reorganization plans could be transmitted to the Congress under the Reorganization Act of 1949 was originally scheduled to expire March 31, 1953, but it has been twice extended, and now expires at the close of this month.

\* \* \* \* \*

Great strides have been made since the Reorganization Act of 1949 became law on June 20, 1949. Fifty-six reorganization plans have been transmitted to the Congress, and forty-one have become effective. Fifteen reorganization plans were transmitted during the past 4 years, and twelve were permitted to take effect. Reorganization Plan No. 1 of 1957 is now pending before the Congress. Examples of some of the important plans of recent years include transforming the Federal Security Agency into the Department of Health, Education, and Welfare; strengthening the organization of the Departments of Defense and Agriculture; reorganizing executive agencies for the conduct of foreign affairs; and improving the organization of defense mobilization functions.

\* \* \* \* \*

It is my view that prompt extension of the period during which reorganization plans may be transmitted under the Reorganization Act of 1949 is necessary in order that we may press forward with our continuing duty to improve the organization and management of the



executive branch. We have come to know that reorganization cannot be done once for all time, but must be continuous to meet the ever-changing needs of a dynamic government. For a quarter-century, successive Congresses and Presidents of both political parties, by their actions under the several reorganization statutes, have demonstrated their firm belief that legislation, such as the Reorganization Act of 1949, is desirable to continue the cooperative efforts of both the Executive and the legislature to bring to the American people the efficient, economical, and effective government which is their right.

I recommend that the Congress continue the availability of the provisions of the Reorganization Act.

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[H. Doc. No. 145, 85th Cong., 1st sess.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES TRANSMITTING RECOMMENDATIONS FOR EXTENDING THE REORGANIZATION ACT OF 1949, AS AMENDED

*To the Congress of the United States:*

The Reorganization Act of 1949, as amended, under which the President is authorized to prepare and transmit to the Congress plans for the reorganization of executive agencies, states that no provision contained in a reorganization plan shall take effect unless the plan is transmitted to the Congress before June 1, 1957.

I recommend that the Congress enact legislation to extend the period for transmitting reorganization plans for 4 years.

The reorganization plan procedure authorized by the Reorganization Act is an essential means by which the President and the Congress can cooperate to assure the timely promotion of better organization and sound management of the executive branch of the Government. Under the act the President may transmit to the Congress reorganization plans which become effective after 60 days of congressional session unless disapproved by a majority of the membership of one of the Houses of the Congress. This method enables the President, who has direct responsibility for effective administration, to initiate improvements in organization, subject to review by the Congress.

Extensive accomplishments have been achieved under the Reorganization Acts of 1939 and 1945 and under the present statute, the Reorganization Act of 1949. The time for transmitting plans under the later has been twice extended by the Congress: in 1953 and 1955.

The current act was adopted following the strong endorsement of the first Commission on Organization of the Executive Branch of the Government in 1949, which stated:

"This authority is necessary if the machinery of government is to be made adaptable to the ever-changing requirements of administration and if efficiency is to become a continuing rather than a sporadic concern of the Federal Government."

In December 1954, the second Commission on Organization of the Executive Branch of the Government unanimously recommended further extension of the act.

Accordingly, I urge the Congress to continue the practical arrangements contained in the Reorganization Act by which the Congress and

the President can carry forward their cooperative endeavors to provide the best possible management of the public business.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *April 1, 1957.*

### CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

[PUBLIC LAW 109—81ST CONGRESS]

[CHAPTER 226—1ST SESSION]

[H. R. 2368]

AN ACT To provide for the reorganization of Government agencies, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### TITLE I

#### SHORT TITLE

SECTION 1. This Act may be cited as the "Reorganization Act of 1949".

#### NEED FOR REORGANIZATIONS

SEC. 2. (a) The President shall examine and from time to time reexamine the organization of all agencies of the Government and shall determine what changes therein are necessary to accomplish the following purposes:

(1) to promote the better execution of the laws, the more effective management of the executive branch of the Government and of its agencies and functions, and the expeditious administration of the public business;

(2) to reduce expenditures and promote economy, to the fullest extent consistent with the efficient operation of the Government;

(3) to increase the efficiency of the operations of the Government to the fullest extent practicable;

(4) to group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;

(5) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and

(6) to eliminate overlapping and duplication of effort.

(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such

purposes may be accomplished in great measure by proceeding under the provisions of this Act, and can be accomplished more speedily thereby than by the enactment of specific legislation.

#### REORGANIZATION PLANS

SEC. 3. Whenever the President, after investigation, finds that—

(1) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency; or

(2) the abolition of all or any part of the functions of any agency; or

(3) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; or

(4) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or

(5) the authorization of any officer to delegate any of his functions; or

(6) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the reorganization plan will not have any functions,

is necessary to accomplish one or more of the purposes of section 2 (a), he shall prepare a reorganization plan for the making of the reorganizations as to which he has made findings and which he includes in the plan, and transmit such plan (bearing an identifying number) to the Congress, together with a declaration that, with respect to each reorganization included in the plan, he has found that such reorganization is necessary to accomplish one or more of the purposes of section 2 (a). The delivery to both Houses shall be on the same day and shall be made to each House while it is in session. The President, in his message transmitting a reorganization plan, shall specify with respect to each abolition of a function included in the plan the statutory authority for the exercise of such function, and shall specify the reduction of expenditures (itemized so far as practicable) which it is probable will be brought about by the taking effect of the reorganizations included in the plan.

#### OTHER CONTENTS OF PLANS

SEC. 4. Any reorganization plan transmitted by the President under section 3—

(1) shall change, in such cases as he deems necessary, the name of any agency affected by a reorganization, and the title of its head; and shall designate the name of any agency resulting from a reorganization and the title of its head;

(2) may include provisions for the appointment and compensation of the head and one or more other officers of any agency (including an agency resulting from a consolidation or other type of reorganization) if the President finds, and in his message transmitting the plan declares, that by reason of a reorganization made by the plan such provisions are necessary. The head so provided for may be an individual or may be a commission or



board with two or more members. In the case of any such appointment the term of office shall not be fixed at more than four years, the compensation shall not be at a rate in excess of that found by the President to prevail in respect of comparable officers in the executive branch, and, if the appointment is not under the classified civil service, it shall be by the President, by and with the advice and consent of the Senate, except that, in the case of any officer of the municipal government of the District of Columbia, it may be by the the Board of Commissioners or other body or officer of such government designated in the plan;

(3) shall make provision for the transfer or other disposition of the records, property, and personnel affected by any reorganization;

(4) shall make provision for the transfer of such unexpended balances of appropriations, and of other funds, available for use in connection with any function or agency affected by a reorganization, as he deems necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which shall have such functions after the reorganization plan is effective, but such unexpended balances so transferred shall be used only for the purposes for which such appropriation was originally made;

(5) shall make provision for terminating the affairs of any agency abolished.

#### LIMITATIONS ON POWERS WITH RESPECT TO REORGANIZATIONS

SEC. 5. (a) No reorganization plan shall provide for, and no reorganization under this Act shall have the effect of—

(1) abolishing or transferring an executive department or all the functions thereof or consolidating any two or more executive departments or all the functions thereof; or

(2) continuing any agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made; or

(3) continuing any function beyond the period authorized by law for its exercise, or beyond the time when it would have terminated if the reorganization had not been made; or

(4) authorizing any agency to exercise any function which is not expressly authorized by law at the time the plan is transmitted to the Congress; or

(5) increasing the term of any office beyond that provided by law for such office; or

(6) transferring to or consolidating with any other agency the municipal government of the District of Columbia or all those functions thereof which are subject to this Act, or abolishing said government or all said functions.

(b) No provision contained in a reorganization plan shall take effect unless the plan is transmitted to the Congress before **[June 1, 1957.]** *June 1, 1959.*

#### TAKING EFFECT OF REORGANIZATION

SEC. 6. (a) Except as may be otherwise provided pursuant to subsection (c) of this section, the provisions of the reorganization plan



shall take effect upon the expiration of the first period of sixty calendar days, of continuous session of the Congress, following the date on which the plan is transmitted to it; but only if, between the date of transmittal and the expiration of such sixty-day period there has not been passed by either of the two Houses【, by the affirmative vote of a majority of the authorized membership of that House,】 a resolution stating in substance that that House does not favor the reorganization plan.

(b) For the purposes of subsection (a)—

(1) continuity of session shall be considered as broken only by an adjournment of the Congress sine die; but

(2) in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than three days to a day certain.

(c) Any provision of the plan may, under provisions contained in the plan, be made operative at a time later than the date on which the plan shall otherwise take effect.

#### DEFINITION OF "AGENCY"

SEC. 7. When used in this Act, the term "agency" means any executive department, commission, council, independent establishment, Government corporation, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the Government, and means also any and all parts of the municipal government of the District of Columbia except the courts thereof. Such term does not include the Comptroller General of the United States or the General Accounting Office, which are a part of the legislative branch of the Government.

#### MATTERS DEEMED TO BE REORGANIZATIONS

SEC. 8. For the purposes of this Act the term "reorganization" means any transfer, consolidation, coordination, authorization, or abolition, referred to in section 3.

#### SAVING PROVISIONS

SEC. 9. (a) (1) Any statute enacted, and any regulation or other action made, prescribed, issued, granted, or performed in respect of or by any agency or function affected by a reorganization under the provisions of this Act, before the effective date of such reorganization, shall, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law or by the abolition of a function, have the same effect as if such reorganization had not been made; but where any such statute, regulation, or other action has vested the function in the agency from which it is removed under the plan, such function shall, insofar as it is to be exercised after the plan becomes effective, be considered as vested in the agency under which the function is placed by the plan.

(2) As used in paragraph (1) of this subsection the term "regulation or other action" means any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

(b) No suit, action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of the taking effect of any reorganization plan under the provisions of this Act, but the court may, on motion or supplemental petition filed at any time within twelve months after such reorganization plan takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the successor of such head or officer under the reorganization effected by such plan or, if there be no such successor, against such agency or officer as the President shall designate.

#### UNEXPENDED APPROPRIATIONS

SEC. 10. The appropriations or portions of appropriations unexpended by reason of the operation of this Act shall not be used for any purpose, but shall be impounded and returned to the Treasury.

#### PRINTING OF REORGANIZATION PLANS

SEC. 11. Each reorganization plan which shall take effect shall be printed in the Statutes at Large in the same volume as the public laws, and shall be printed in the Federal Register.

### TITLE II

SEC. 201. The following sections of this title are enacted by the Congress:

(a) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in section 202); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

SEC. 202. As used in this title, the term "resolution" means only a resolution of either of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the ——— does not favor the reorganization plan numbered — transmitted to Congress by the President on ———, 19—.", the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled; and does not include a resolution which specifies more than one reorganization plan.

SEC. 203. A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

SEC. 204. (a) If the committee to which has been referred a resolution with respect to a reorganization plan has not reported it before the expiration of ten calendar days after its introduction, it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such reorganization plan which has been referred to the committee.

(b) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same reorganization plan), and debate thereon shall be limited to not to exceed one hour, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(c) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same reorganization plan.

SEC. 205. (a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(b) Debate on the resolution shall be limited to not to exceed ten hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

SEC. 206. (a) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a reorganization plan, and all motions to proceed to the consideration of other business, shall be decided without debate.

(b) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate.

Approved June 20, 1949.



## ADDITIONAL VIEWS OF HON. CLARE E. HOFFMAN ON H. R. 8364

H. R. 8364 is but a further continuation of an attempt by the Congress to vest in the President the legislative power expressly given to the Congress by the Constitution.<sup>1</sup>

The Congress has no authority to delegate its legislative power to the President.<sup>2</sup>

Prior to the adoption of the Reorganization Acts,<sup>3</sup> the constitutional procedure and congressional practice followed was the introduction of a bill or legislation by a Member of Congress. The proposed legislation might be suggested either by the administration, through one of its executive departments, by an individual or group.

The proposed legislation was then referred to the appropriate committee where it was either pigeonholed or, after hearing, brought before the House by committee report or House petition. Somewhat similar procedure was followed in the Senate.

If the proposal received a simple majority of those voting in the House and Senate, the bill then went to the President. The President had authority to sign, permit the proposal to become law by inaction on his part, or to by veto reject it.<sup>4</sup>

Under the original Reorganization Act of 1949,<sup>5</sup> which disregarded the provisions of the Constitution which specifically stated the procedure for enactment of legislation, the President was authorized to submit a bill or a resolution to the Congress, a right and a privilege which in effect he always had and still has, but which bill or resolution the Reorganization Act provided should become the law of the land unless within a specified time it was vetoed—in the beginning by both House and Senate, by a majority vote of the elected Members of each; in this bill by a simple majority of those voting in either House.

<sup>1</sup> Sec. 1 of art. I of the Constitution of the United States reads:

"All legislative Power herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

Sec. 7 of art. I of the Constitution of the United States reads in part:

\* \* \* \* \*

"Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill."

The constitutional powers of Congress are specified in sec. 8 of art. I. (See also sec. 3 of art. III, secs. 1 and 3 of art. IV, and art. V.) The last clause of sec. 8 of art. I reads:

"To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

The principle involved was reiterated as recently as June 6, 1955, when Mr. Justice Black, concurring in the opinion of the Court as delivered by Mr. Chief Justice Warren, stated:

"And, of course, the Constitution does not confer lawmaking power on the President" (*Peters v. Hobby*, 349 U. S. 331).

<sup>2</sup> Having in mind the provisions of our Constitution previously referred to, Attorney General Mitchell (37 Op. A. G. 56, 63) analyzed the constitutional question presented to him on the basis that, unless the function were executive, the delegation would be unconstitutional, and if the function were executive, the setting up of a method whereby one House of Congress could disapprove Executive action violated art. II, sec. 1.

The Constitution is violated when Congress attempts to transfer legislative powers to the President (*Schechter Poultry Corp. v. U. S.*, 295 U. S. 495; *Panama Refining Co. v. Ryan*, 293 U. S. 388; *Yakus v. U. S.*, 321 U. S. 414).

<sup>3</sup> Economy Act of 1932 (47 Stat. 382); Reorganization Act of 1939 (53 Stat. 561); Reorganization Act of 1945 (59 Stat. 613); Reorganization Act of 1949 (63 Stat. 203).

<sup>4</sup> If vetoed, the bill still became law if two-thirds of each House by vote so indicated.

<sup>5</sup> Reorganization Act of 1949 (63 Stat. 203).



Some of the reasons for opposition to this method of attempting to legislate through the submission of reorganization plans were pointed out at some length in the report of this committee on January 30, 1955, on H. R. 1976 (H. Rept. No. 6), 83d Congress, 1st session, amending the Reorganization Act of 1949. In accompanying views incorporated in that report a comparison was made of the provisions of the Reorganization Act with our Constitution. (See also additional views on H. Res. 534 (H. Rept. No. 2585), 84th Cong., 2d sess., filed July 3, 1956, and on H. Res. 541 (H. Rept. No. 2599), 84th Cong., 2d sess., filed July 3, 1956.)

The practical effect of this bill is to reverse the constitutional procedure which provides for the enactment of legislation.

Under the Constitution, proposed legislation was adopted by the House with the veto power vested in the President subject to the one exception—that the veto might be nullified by two-thirds vote of both Senate and House.

Under this bill, proposed legislation is written by the President; it becomes the law of the land unless vetoed by either Senate or House.

There is no evidence in any hearing, from the enactment of the original bill down to the present day, which indicates that the Congress would not, in the first instance, give consideration to any bill or resolution suggested by the President.

Apparently the proponents of the extension of the Reorganization Act of 1949 would have us believe that efficiency and economy in Government are synonymous with the strengthening of the hand of the Executive. Legislation by reorganization plans minimizes the opportunities of the Congress for expressing its will.

If efficiency alone were the gage by which we measure forms of government, other things being equal, a dictatorship would be the most efficient form. At the opposite end of the scale of efficiency would be anarchy. Both are repressive of human rights. Somewhere in between is our form of representative government.

However, efficiency alone is not the hallmark of successful government. That government is best which strikes a proper balance between efficiency and certain basic human rights. Our present form of government has achieved that balance.

To advance further in the name of efficiency toward a stronger executive can only be in derogation of those basic rights. If strengthening the Executive is a means of achieving efficiency, it then follows that the less Congress is permitted to meddle in the affairs of state, the more efficiency there will be in government. However, even if we accept this proposition, the loss of basic rights is too high a price to pay for efficiency.

The fact that successive extensions of the authority first granted to the President have each time made it easier for a congressional veto indicates that the original grant of authority to the President was excessive.

That fact, plus the fact that the record fails to show any inaction on the part of the Congress on a Presidential proposal, and the further fact that the bill gives the President authority to write legislation subject only to a veto of the Congress, which is clearly a direct reversal of legislative procedure, as provided in the Constitution, should cause H. R. 8364 to be rejected.

CLARE E. HOFFMAN.

## MINORITY VIEWS OF HON. GEORGE MEADER ON H. R. 8364

I oppose the enactment of H. R. 8364 on the ground that no case has been made for the further extension of the Reorganization Act of 1949.

The legislative power Congress delegated to the President in the Reorganization Act on a temporary basis and for a specific purpose should not be continued. It is in the interest of good government and democratic constitutional processes that there should be a protest of record.

I voted for extension of the act in 1953 and in 1955 for the reason that I believed the authority was needed in the executive branch of the Government to carry out reorganizational reforms recommended by the first and second Hoover Commissions. Two and one-half years have passed, however, since the report of the second Hoover Commission. Thus, ample time has elapsed for the presentation by the executive branch of any reorganizational reforms emanating from the study and recommendations of the second Hoover Commission.

In the 2d session of the 84th Congress only two reorganizational plans were presented. Both were defeated unanimously and without debate by the House Government Operations Committee and the House of Representatives.

In the abbreviated hearings on the current bill, which consumed 1 hour on Tuesday, May 28, 1957, Budget Director Percival F. Brundage testified that he knew of no additional reorganizations seriously contemplated in the executive branch of the Government at the present time. Mr. McCormack, the acting chairman of the Subcommittee on Executive and Legislative Reorganization of the House Committee on Government Operations, questioned Mr. Brundage on this point as follows (p. 8 of the hearings):

Mr. McCORMACK. Do you know of any plans proposed between now and June 1?

Mr. BRUNDAGE. Plan No. 1 of 1957 is pending before the Congress. I know of none coming up before June 1; no.

Mr. McCORMACK. Do you mean pending in the executive branch?

Mr. BRUNDAGE. That is right.

Mr. McCORMACK. Can you give us any information as to that now, without violating any confidence?

Mr. BRUNDAGE. I know of none that will be submitted before June 1.

Mr. McCORMACK. I mean what is pending.

Mr. BRUNDAGE. We are exploring a number of matters. The Committee on Government Organization is meeting frequently and considering a number of them, Mr. Chairman.

Mr. McCORMACK. All right, Mr. Brundage.

Article II of the Constitution vests the legislative power of the United States in the Congress. There is no question that the Reorganization Act delegates some of this legislative power to the President by authorizing him to propose so-called reorganization plans with a limited right of veto in the Congress. This is legislation in reverse.

Any reorganization in the executive branch of the Government which does not contravene existing law can be accomplished by the Executive without resort to the authority contained in the Reorganization Act. It is only because existing law is necessarily modified or repealed by a reorganization plan that the power granted the Executive in the Reorganization Act is required.

Since the Reorganization Act is in conflict with the legislative process contemplated by the Constitution, the Congress should guard its prerogatives jealously and decline to grant the Executive an extension of this legislative power except upon a strong showing of unusual need. The burden of proof should be upon those who assert the need. Not only was there not a strong showing in the hearings before the subcommittee, but no showing whatsoever.

No possible harm can come from permitting the Reorganization Act to expire. At any time circumstances justify it, the President can come to Congress for a revival of this authority. The legislative history of the Reorganization Act shows that Congress has been cooperative in the past, and there is no reason to suppose that it will not be equally as cooperative in the future.

I favor the provision adopted by the committee changing existing law so as to require only a simple majority of either House to disapprove a proposed reorganization plan. It is very difficult to secure a majority of the authorized membership of either the House or the Senate to disapprove programs urged by a popular President. It should be noted that Reorganization Plan No. 1 of 1951 to abolish the Board of Directors of the Reconstruction Finance Corporation and vest the authority in an administrator whose term was unlimited would have been defeated in the House of Representatives by a vote of 200 to 198 if the House could have acted as it does in most legislative matters by a simple majority vote—a quorum being present. However, it took effect because opponents of the plan could not muster the 218 votes required by the constitutional majority provision to reject a reorganization plan.

GEORGE MEADER.







Union Calendar No. 233

85TH CONGRESS  
1ST SESSION

# H. R. 8364

[Report No. 657]

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 1957

Mr. DAWSON of Illinois (by request) introduced the following bill; which was referred to the Committee on Government Operations

JUNE 27, 1957

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Insert the part printed in italic]

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## A BILL

To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That subsection (b) of section 5 of the Reorganization Act  
4       of 1949 (63 Stat. 205; 5 U. S. C. 133 z-3), as last  
5       amended by the Act of March 25, 1955 (69 Stat. 14),  
6       is hereby further amended by striking out "June 1, 1957"  
7       and inserting in lieu thereof "June 1, 1959".

8       SEC. 2. Subsection (a) of section 6 of the Reorganiza-

tion Act of 1949 (63 Stat. 205; 5 U. S. C. 133 z-4) is amended by striking out “, by the affirmative vote of a majority of the authorized membership of that House,”.

85TH CONGRESS  
1ST SESSION

**H. R. 8364**

Union Calendar No. 233

[Report No. 657]

## **A BILL**

To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959.

**By Mr. Dawson of Illinois**

JUNE 25, 1957

Referred to the Committee on Government Operations

JUNE 27, 1957

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

Issued July 3, 1957  
For actions of July 2, 1957  
85th-1st, No. 115

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HIGHLIGHTS: Senate agreed to bill to delete certain peanut picker statistical reports. Senate received nomination of Paarlberg to be Assistant Secretary. Conferees agreed to file report on bill to extend Public Law 480. House Rules Committee cleared bill to extend Reorganization Act.

## HOUSE

1. SURPLUS DISPOSAL; FOREIGN TRADE. The conferees agreed to file a conference report on S. 1314, to extend the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) p. D611
2. ORGANIZATION. The Rules Committee reported a resolution for consideration of H.R. 8364, to amend the Reorganization Act of 1949 so as to make the Act applicable to reorganization plans transmitted to Congress at any time before June 1, 1959. p. 9693
3. MILITARY CONSTRUCTION. The Rules Committee reported a resolution for consideration of H.R. 8240, to authorize certain construction at military installations, including a provision for the use of foreign currencies acquired under Public Law 480 for the construction of military family housing units in foreign countries. p. 9693
4. CIVIL DEFENSE. The Armed Services Committee ordered reported H.R. 7576, to amend the Federal Civil Defense Act of 1950 so as to provide for contributions to the States for certain civil defense purposes. p. D610

5. ELECTRIFICATION. A subcommittee of the Interior and Insular Affairs Committee recommended to the full Committee that H.R. 5, to authorize the construction of the Hells Canyon Dam, not be reported. p. D610
6. CCC GRAIN. The Merchant Marine and Fisheries Committee considered and tabled H.R. 6959, to authorize the Secretary of the Interior to cooperate with Federal and non-Federal agencies in the augmentation of natural food supplies for migratory waterfowl by requisitioning grain from CCC for supplying such agencies to feed such waterfowl. p. D611
7. PUBLIC RECORDS. The Judiciary Committee ordered reported with amendment H.R. 7915, to require the consent of the Attorney General to produce certain public records in any civil or criminal proceeding. p. D610
8. FARM PROGRAM. Rep. McGovern criticized certain statements made by Rep. Berry concerning responsibility for the level of price supports for agricultural commodities. p. 9679
9. ACCOUNTING. Passed with amendment S. 1799, to facilitate the payment of Government checks, after substituting the language of a similar bill, H.R. 8195, which passed the House on July 1. p. 9680
10. FOREIGN AID. Received from the Director of ICA an interim report on major changes in the mutual security program as required by Public Law 665, 85th Congress. p. 9693
11. ADJOURNED until Fri., July 5. No business is to be transacted on Fri. and the House will adjourn over to Mon., July 8. pp. 9680, 9693

SENATE

12. PEANUTS. Agreed to the House amendment to S. 609, to delete certain reports from persons owning or operating peanut picking or threshing machines. (p. 9764) This bill will now be sent to the President.
13. NOMINATIONS. Received the nomination of Don Paarlberg to be Assistant Secretary of Agriculture for Marketing and Foreign Agriculture. p. 9771
14. APPROPRIATIONS. Passed with amendments H.R. 7665, the Defense Department appropriation bill for 1958. Conferees were appointed. pp. 9709, 9733-64
15. RECLAMATION. The Interior and Insular Affairs Committee reported with amendments S. 977, to suspend and modify the application of the excess land provisions of the Federal reclamation laws to lands in the East Bench unit, Missouri River Basin project (S. Rept. 574). p. 9698
16. PERSONNEL. Sen. Morton urged enactment of S. 2317, to establish a commission to study the compensation of Federal employees, pointing to the value of the Cordiner Committee's report. p. 9701
17. WHEAT; SOIL BANK. Sen. Neuberger expressed his misgivings about the soil bank program, urged a two price plan for wheat instead, and inserted an article "Soil Bank Proves Costly in Wheat." pp. 9770-1

## CONSIDERATION OF H. R. 8364

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JULY 2, 1957.—Referred to the House Calendar and ordered to be printed

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Mr. TRIMBLE, from the Committee on Rules, submitted the following

### REPORT

[To accompany H. Res. 310]

The Committee on Rules, having had under consideration House Resolution 310, report the same to the House with the recommendation that the resolution do pass.







## House Calendar No. 87

85TH CONGRESS  
1ST SESSION

# H. RES. 310

[Report No. 681]

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### IN THE HOUSE OF REPRESENTATIVES

JULY 2, 1957

Mr. TRIMBLE, from the Committee on Rules, reported the following resolution;  
which was referred to the House Calendar and ordered to be printed

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## RESOLUTION

1       *Resolved*, That upon the adoption of this resolution it  
2 shall be in order to move that the House resolve itself into  
3 the Committee of the Whole House on the State of the Union  
4 for the consideration of the bill (H. R. 8364) to further  
5 amend the Reorganization Act of 1949, as amended, so that  
6 such Act will apply to reorganization plans transmitted to  
7 the Congress at any time before June 1, 1959. After gen-  
8 eral debate which shall be confined to the bill and continue  
9 not to exceed one hour, to be equally divided and controlled  
10 by the chairman and ranking minority member of the Com-  
11 mittee on Government Operations, the bill shall be read for  
12 amendment under the five-minute rule. At the conclusion

1 of the consideration of the bill for amendment, the Commit-  
2 tee shall rise and report the bill to the House with such  
3 amendments as may have been adopted, and the previous  
4 question shall be considered as ordered on the bill and  
5 amendments thereto to final passage without intervening  
6 motion except one motion to recommit.

House Calendar No. 87

85<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

## H. RES. 310

[Report No. 681]

# RESOLUTION

Providing for the consideration of H. R. 8364,  
a bill to further amend the Reorganization  
Act of 1949, as amended, so that such Act  
will apply to reorganization plans trans-  
mitted to the Congress at any time before  
June 1, 1959.

By Mr. TRIMBLE

JULY 2, 1957

Referred to the House Calendar and ordered to be  
printed



# RESOLUTION

Resolved, That the Committee on the part of the House do hereby recommend to the House the passage of the following Resolution, to-wit:

Resolved,

That

the Committee on the part of the House do hereby recommend to the House the passage of the following Resolution, to-wit:



# Digest of CONGRESSIONAL PROCEEDINGS

## OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

Issued July 11, 1957

For actions of July 10, 1957

85th-1st, No. 120

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

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HIGHLIGHTS: House passed bills to: Establish standards for advisory committees. Extend Reorganization Act. Sen. Humphrey urged greater use of barter under Public Law 480. Senate received nomination of Paarlberg to be member of CCC board. Sen. Humphrey urged greater USDA aid for flood disaster relief in Minn..

### HOUSE

1. ADVISORY COMMITTEES. Passed, with amendments, H.R. 7390, to provide certain standards for the establishment and utilization of Government advisory committees. (pp. 10134-35, 10138-53)  
Agreed to the following amendments:
  - By Rep. Brown, Ohio, to permit advisory committee meetings to be "conducted in the presence of" a Federal employee, rather than restricting the conduct of meetings to "under the chairmanship" of a Federal employee. (p. 10147)
  - By Rep. Brown, Ohio, to require only "minutes" rather than "full and complete minutes" to be kept of advisory committee meetings. (pp. 10147-48)
  - By Rep. Brown, Ohio, to exempt committees authorized by "statutory" law from the provisions of the bill. (p. 10148)
  - By Rep. Halleck, to strike out the time requirement that an agency must notify both Houses of Congress "not less than 30 days" before an advisory committee is established. (pp. 10150-52)

A motion by Rep. Hoffman to recommit the bill was rejected 183 to 225.
2. REORGANIZATION. Passed as reported H.R. 8364, to amend the Reorganization Act of 1949 so as to extend the period for transmitting reorganization plans to Congress for 2 years to June 1, 1959, and to provide that plans transmitted may be disapproved by a simple majority vote of either the House or the Senate

instead of an authorized majority of either House as provided by present law. A motion by Rep. Hoffman to recommit the bill was rejected 44 to 336. The language of H.R. 8364 as passed was substituted for the language of S. 1791, a similar bill. H.R. 8364 was laid on the table. pp. 10136-37, 10154-59

3. MILITARY CONSTRUCTION. Passed with amendments H.R. 8240, to authorize certain construction at military installations, including a provision for the use of foreign currencies acquired under Public Law 480 for the construction of military family housing units in foreign countries. pp. 10133-34
  4. FARM LABOR. The Judiciary Committee issued a report "pertaining to Japanese agricultural workers." (H. Rept. 780). p. 10170
  5. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment H.R. 4410, to suspend and to modify the application of the excess land provisions of the Federal reclamation laws to lands in the E. Bench unit of the Mo. River Basin project. (H. Rept. 783). p. 10170
  6. PUBLIC LANDS. Both Houses received from Interior a proposed bill "to amend the law relating to mining leases on Indian lands and Federal lands within Indian reservations;" to Interior and Insular Affairs Committees. pp. 10170, 10065
  7. FOREIGN AID. Rep. Bow criticized administration of the foreign aid program. pp. 10163-69
  8. COST OF LIVING. Rep. Vursell spoke on the danger of inflation, and urged voluntary action by industry to "seek to stabilize and reduce their prices whenever possible, and use their influence to reduce the cost of living." pp. 10161-63
  9. LEGISLATIVE PROGRAM. Rep. McCormack announced that H.R. 3753, to extend loans to desert-land entrymen, would be considered today, July 11. p. 10160
- SENATE
10. NOMINATIONS. Received the nomination of Don Paarlberg to be a member of the Board of Directors of the Commodity Credit Corporation. p. 10125
  11. DISASTER RELIEF. Sen. Humphrey discussed the action he has urged on this Department to aid in flood disaster relief in Minn., including FHA emergency loans, use of feed from soil bank acres, subsidization of feed buying, special ACP payments, and extension of long term loans. pp. 10076-7
  12. FOREIGN TRADE; SURPLUS COMMODITIES. Sen. Humphrey inserted an article, "Food For Freedom," urging a greater use of food as an instrument of foreign policy. p. 10081  
Sen. Humphrey discussed the use of barter agreements under the Public Law 480 program, and urged more extensive development of such exchanges. pp. 10114-18
  13. RECLAMATION. The Interior and Insular Affairs Committee reported with amendments S. 2120, authorizing construction of the Mercedes Division, lower Rio Grande rehabilitation project (S. Rept. 603). p. 10067
  14. FEDERAL-STATE RELATIONS. Sen. Carlson inserted the resolutions of the Governor's Conference of 1957. pp. 10065-7



And not by those individuals, because they do not have to do that—  
and (C) the conclusions reached by the advisory committee.

Then on page 4 I shall offer an amendment to line 6, after the words "authorized by" to add the word "statutory", and on the next line, after the word "operative," to add the words "or other executive" so it will read "authorized by statutory law to perform administrative, operative, or other executive functions." That will be done so there can be no question in the mind of anyone that any committee, advisory committee, or group set up by the Congress, and given certain duties and responsibilities under the law, will be exempt from the provisions of this act.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Indiana.

Mr. HALLECK. I have been reading this report trying to make up my mind about this measure. I must say that many parts of it cause me great concern. The matters the gentleman has spoken of are among those that cause me concern. There is one other matter I wish the gentleman would comment on.

Mr. BROWN of Ohio. May I say, before you ask me to comment on that, that these amendments have been checked with a number of the affected advisory groups. Many of them serve a very splendid purpose. Seemingly these proposed amendments meet their needs.

Mr. HALLECK. In addition to that, of course, many of the objections coming from some of the departments went to these specific matters with which the gentleman seeks to deal.

Mr. BROWN of Ohio. That is right.

Mr. HALLECK. But there is one other objection that has been voiced, principally by the Defense Department, and that has to do with the 30-day notice of the convening of any one of these committees. The point is made, and I think it is a valid one, that a time might well arise with respect to the Defense Department when the very security of the Nation would indicate that there be no such preliminary requirement as that. What does the gentleman have to say about that?

Mr. BROWN of Ohio. I have had some question in my own mind as to the 30-day limitation provision. Perhaps an amendment should be offered to simply require that the Congress be advised, and not place a time limit on it, so that we be advised and will know such an advisory committee is in existence. I will be willing to accept such an amendment if the majority would accept.

Mr. HALLECK. Would the gentleman permit one further question?

Mr. BROWN of Ohio. Certainly.

Mr. HALLECK. The question arises in my mind as to just how broad this term "Advisory Committee" may be. Suppose that the Secretary of Labor has a matter that is of interest to his Department and he wants to call in half a dozen leaders of organized labor to consult with them; does he have to give 30 days' notice in that case?

Mr. BROWN of Ohio. No; in my opinion, I believe in the opinion of the committee, and as shown by the hearings, where an official seeks what one might call temporary advice, he can get advice from anybody he pleases; but when he establishes an advisory committee having the substance of law, the right to spend money, and perhaps receive per diem pay, and allowances for clerical hire and office space, a meeting place, and so forth and so on, so that is an established committee which will run for a considerable length of time, then the provisions set forth in this bill, if enacted into law, would become effective. But any agent of the Government, any Government official, has the right to seek advice where he pleases on what you might call a temporary basis.

Now, if he is going to have that same group in every month or so, and meet with him for certain purposes, such a meeting would come under the purview of this law.

Mr. HALLECK. I am glad to have the explanation of the gentleman and his conviction as to just how broad the term is.

Mr. BROWN of Ohio. I think that will be explained fully in the consideration of the bill.

Mr. HALLECK. Actually from a reading of the language I do not think you can find any such limitation as that. Certainly a broad interpretation would in my opinion, almost preclude soliciting advice from groups by a department of the Government; and to my mind that would be very destructive of the efficient functioning of Government agencies.

Mr. BROWN of Ohio. If the gentleman will read section 15 he will note that it refers to the case where such a committee is established on a more or less permanent basis. It is not just the calling in for one particular situation or another of either one individual or more than one.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. BROWN of Ohio. Mr. Speaker, the fact is an official may go out on the street, if he wants to, and ask a taxicab driver what he thinks he should do, and not constitute the taximan an advisory committee under the provisions of this act. If he sets up an advisory committee which is to be permanent, or semi-permanent, in nature, one that is to meet time after time, it would come under this bill.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I think the gentleman's answer to the question of the gentleman from Indiana is correct. This relates to the establishment of a committee, the formal act of establishing. In that case there would be no establishment.

Mr. BROWN of Ohio. Creating an advisory committee that shall go on a more or less permanent basis.

Mr. McCORMACK. In subdivision 1, on page 3 there are the words "or approved" which means if some member of the established committee in relation to the agenda might feel he could not talk to any official in charge in connection with the formulation; so we put in the words "or approved" so there will be no misunderstanding about that. The gentleman from Ohio remembers the discussion we had on that.

Mr. BROWN of Ohio. I certainly do.  
Mr. SADLAK. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Connecticut.

Mr. SADLAK. The gentleman has done outstanding work in connection with the formulation of the Hoover Commission and in working with it. Is there anything in the way of implication in this legislation which would in any way affect the Hoover Commission recommendations?

Mr. BROWN of Ohio. This is not a specific recommendation of the Hoover Commission. The Hoover Commission recommended a general tightening up on the expenditure of public funds without the knowledge or consent of the Congress.

The General Accounting Office, responsible to the Congress for auditing and keeping track of expenditures in the executive branch of the Government, has requested the committee to enact legislation of this type so that it may be in a better position to keep track of the expenditure of these various advisory committees and groups, some of whom, as I said a moment ago, have a great many clerical employees on their payroll, some have offices, some receive per diem allowances for attending these meetings. To me, this bill sets up minimum standards of protection to be enacted by the Congress, notwithstanding the fact that some of the agencies affected do not like it. They do not want any control by Congress. Other agencies of the Government said they are now following these practices. Some have said they did not feel it is necessary for Congress to formulize them.

The experience of our committee has shown that in some instances there has been a conflict of interest between that of the Government, on the one hand, and the individuals who serve on the committees, on the other hand. This bill gives to the Congress of the United States certain information, and to the Accounting Office the authority it seemingly needs to go in and audit, and check the accounts of these advisory groups.

Mr. SADLAK. Do I properly deduce then that the gentleman much experienced in this field would be for this bill provided his amendments are accepted?

Mr. BROWN of Ohio. Yes, and if any other language is necessary to make certain my understanding of the legislation is correct, or is made correct, for instance, as brought up by the gentleman from Indiana, I will certainly support such amendment or amendments and, therefore, support the bill as amended.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.



# AMENDING THE REORGANIZATION ACT OF 1949, AS AMENDED

Mr. TRIMBLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 310 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8364) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959. After general debate which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. TRIMBLE. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN] and yield myself such time as I may require.

Mr. Speaker, House Resolution 310 provides for the consideration of H. R. 8364, a bill to further amend the Reorganization Act of 1949, as amended. The resolution provides for an open rule and 1 hour of general debate on the bill.

The bill contains two amendments to the present act—it extends the period for transmitting reorganization plans for 2 years to June 1, 1959, and provides that plans transmitted to the Congress may be disapproved by a simple majority vote of those present and voting rather than by a majority of the authorized membership of either of the two Houses of Congress.

The Reorganization Act provides for a simplified procedure for improving the management of the executive branch of the Government. Since June 1949, when the Reorganization Act became law, 56 reorganization plans have been transmitted to the Congress, and 41 have become effective. At the present time one reorganization plan is pending before Congress.

The committee report complies with the Ramseyer rule, and I urge the adoption of House Resolution 310 so the House may proceed to the consideration of this measure which is recommended by the President and the Bureau of the Budget.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. MEADER].

(Mr. MEADER asked and was given permission to revise and extend his remarks.)

Mr. MEADER. Mr. Speaker, I take this time to call the attention of the House to the minority views in the report on H. R. 8364 to extend the Reorganization Act of 1949, and also the hearings. I hold the hearings in my hand.

They consumed 1 hour, and I say that a case for extending this unusual delegation of legislative power was not made in the hearings before the Committee on Government Operations.

The gentleman from Massachusetts [Mr. McCORMACK], who presided at the hearings, asked Mr. Brundage, the Budget Director, the witness on behalf of the administration, just exactly what proposals on reorganization the executive branch of the Government expects to send up here, what was on the fire. And, he got the answer that there was nothing expected to be sent up as a reorganization plan this year.

Now, the Congress has been very generous in the past to give to the Executive the power to reorganize the executive branch of the Government under this unusual legislative authority, and any time there is something they need to reorganize, they can come to the Congress and get the power. But, at the moment they have made no case for an extension of this act.

It disturbs me that Congress so lightly continues this grant of legislative authority to the executive without careful consideration, and I just want to alert the membership of the House that we ought to consider this proposal and consider it carefully and require that a case be made before we continue this grant of legislative authority.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HOFFMAN].

(Mr. HOFFMAN asked and was given permission to revise and extend his remarks.)

Mr. HOFFMAN. Mr. Speaker, this is a bill to extend the privilege granted the President to send down to us reorganization plans. The first one came up in 1932, in Hoover's time. Since then we have had the authority renewed from time to time. Always on each renewal the House apparently had some doubt about the wisdom of the legislation, because in the beginning the plan sent down by the President became law unless two-thirds, as I recall, of both Houses vetoed it within 60 days. Then they lessened the requirement and finally got down to a veto by one House. The present bill provides that the President can send down a reorganization plan, a bill, which would become law unless a simple majority of either House rejects it within 60 legislative days.

My objection to this type of legislation is that it is contrary to the methods prescribed by the Constitution for the enactment of legislation. Under the Constitution the House or the Congress proposes legislation, acts on it, and then the President if it has been approved by a majority of both Houses can veto it if he so desires, and if he does not, it becomes law, as it does if both House and Senate override the veto by a two-thirds vote. This bill reverses the procedure. It does not provide for a single thing that the President cannot do under the old system; that is to say, if he calls it a bill or a resolution, he can send down the same thing that he puts in a reorganization plan. That goes to the proper committee, then to the Congress.

I have always been opposed to the new and unconstitutional procedure.

I notice the majority leader, the gentleman from Massachusetts [Mr. McCORMACK] is going along. This ought to give him a rating of about 97½ percent support of the President in the Congressional Quarterly. I do not know what he will do on the next one. The first one that comes up here, H. R. 7390 the committee bill, the administration is opposed to that and I am waiting to see what the gentleman will do; because he may get a 100-percent mark in favor of the administration.

This bill is just a reversal of the constitutional method of enacting legislation.

I have a hunch—many people are making forecasts of what is going to happen, and I have an idea, although I have not any reason for it, just a hunch—that if this bill goes through this way, the President might veto it, because it does not give him all he is said to desire.

Mr. MEADER. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman.

Mr. MEADER. I should like to ask the gentleman if it is not true that last year only two reorganization plans were sent up and the gentleman from Massachusetts [Mr. McCORMACK], opposed one of them on the ground that he introduced legislation to accomplish the same result and that it should have been done. Both reorganization plans sent up by the administration last year were voted down unanimously, without debate.

My reasons for opposing this bill are set forth in the report and read as follows:

## ADDITIONAL VIEWS OF HON. CLARE E. HOFFMAN ON H. R. 8364

H. R. 8364 is but a further continuation of an attempt by the Congress to vest in the President the legislative power expressly given to the Congress by the Constitution.<sup>1</sup>

<sup>1</sup> Sec. 1 of art. I of the Constitution of the United States reads:

"All legislative Power herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

Sec. 7 of art. I of the Constitution of the United States reads in part:

"Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill."

The constitutional powers of Congress are specified in sec. 8 of art. I. (See also sec. 3 of art. III, secs. 1 and 3 of art. IV, and art. V.) The last clause of sec. 8 of art. I reads:

"To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

The principle involved was reiterated as recently as June 6, 1955, when Mr. Justice Black, concurring in the opinion of the



The Congress has no authority to delegate its legislative power to the President.<sup>2</sup>

Prior to the adoption of the Reorganization Acts,<sup>3</sup> the constitutional procedure and congressional practice followed was the introduction of a bill or legislation by a Member of Congress. The proposed legislation might be suggested either by the administration, through one of its executive departments, by an individual or group.

The proposed legislation was then referred to the appropriate committee where it was either pigeonholed or, after hearing, brought before the House by committee report or House petition. Somewhat similar procedure was followed in the Senate.

If the proposal received a simple majority of those voting in the House and Senate, the bill then went to the President. The President had authority to sign, permit the proposal to become law by inaction on his part, or to by veto reject it.<sup>4</sup>

Under the original Reorganization Act of 1949,<sup>5</sup> which disregarded the provisions of the Constitution which specifically stated the procedure for enactment of legislation, the President was authorized to submit a bill or a resolution to the Congress, a right and a privilege which in effect he always had and still has, but which bill or resolution the Reorganization Act provided should become the law of the land unless within a specified time it was vetoed—in the beginning by both House and Senate, by a majority vote of the elected Members of each; in this bill by a simple majority of those voting in either House.

Some of the reasons for opposition to this method of attempting to legislate through the submission of reorganization plans were pointed out at some length in the report of this committee on January 30, 1955, on H. R. 1976 (H. Rept. No. 6), 83d Congress, 1st session, amending the Reorganization Act of 1949. In accompanying views incorporated in that report a comparison was made of the provisions of the Reorganization Act with our Constitution. (See also additional views on H. Res. 534 (H. Rept. No. 2585), 84th Cong., 2d sess., filed July 3, 1956, and on H. Res. 541 (H. Rept. No. 2599), 84th Cong., 2d sess., filed July 3, 1956.)

The practical effect of this bill is to reverse the constitutional procedure which provides for the enactment of legislation.

Under the Constitution, proposed legislation was adopted by the House with the veto power vested in the President subject to the one exception—that the veto might be

nullified by two-thirds vote of both Senate and House.

Under this bill, proposed legislation is written by the President; it becomes the law of the land unless vetoed by either Senate or House.

There is no evidence in any hearing, from the enactment of the original bill down to the present day, which indicates that the Congress would not, in the first instance, give consideration to any bill or resolution suggested by the President.

Apparently the proponents of the extension of the Reorganization Act of 1949 would have us believe that efficiency and economy in government are synonymous with the strengthening of the hand of the Executive. Legislation by reorganization plans minimizes the opportunities of the Congress for expressing its will.

If efficiency alone were the gage by which we measure forms of government, other things being equal, a dictatorship would be the most efficient form. At the opposite end of the scale of efficiency would be anarchy. Both are repressive of human rights. Somewhere in between is our form of representative government.

However, efficiency alone is not the hallmark of successful government. That government is best which strikes a proper balance between efficiency and certain basic human rights. Our present form of government has achieved that balance.

To advance further in the name of efficiency toward a stronger executive can only be in derogation of those basic rights. If strengthening the Executive is a means of achieving efficiency, it then follows that the less Congress is permitted to meddle in the affairs of state, the more efficiency there will be in government. However, even if we accept this proposition, the loss of basic rights is too high a price to pay for efficiency.

The fact that successive extensions of the authority first granted to the President have each time made it easier for a congressional veto indicates that the original grant of authority to the President was excessive.

That fact, plus the fact that the record fails to show any inaction on the part of the Congress on a Presidential proposal, and the further fact that the bill gives the President authority to write legislation subject only to a veto of the Congress, which is clearly a direct reversal of legislative procedure, as provided in the Constitution, should cause H. R. 8364 to be rejected.

[Mr. BASS of Tennessee addressed the House. His remarks will appear hereafter in the Appendix.]

Mr. ALLEN of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, I have listened to some of these debates today in regard to this whole program of reorganization. I listened to them through the years, and I participated in some of them. I well understand the philosophy of the gentleman from Michigan, who feels that this whole procedure is a reversal of the proper responsibility, that these reorganizations should be accomplished by direct legislative action subject to the veto of the Chief Executive. However, that is a bridge that we crossed a long time ago. We crossed it, and I helped to cross it, because it seemed to be the prevailing view that if these reorganizations were to be accomplished and become effective this was the procedure that we would have to follow.

As far as I am concerned, the measure that is before us should have gone for

the 4 years asked rather than the 2. I am not prepared seriously to question that. However, it does seem to me that the pattern that was established heretofore for other people who have been in the office of the Chief Executive of the United States, which required the constitutional majority before the plan could be turned down, should continue to be the rule and the law in respect to this legislation.

I cannot for the life of me see any reason why it should be changed at this juncture, and I would hope that when the matter is up for consideration in the committee an amendment may prevail that would turn the procedure back to what it was in the law heretofore.

Then subsequently, when we undertook to deal with the matter of reorganization, and I may say to the gentleman from Michigan, the first Hoover Commission was created during the 80th Congress, in which I was the majority leader, it made many recommendations that were adopted. As a part of that operation we arranged for this procedure of submission of plans, and then for the action that had to be taken to defeat the plan if it was submitted. Since that pattern was adopted, I have not deviated in my position one bit. I have kept the same position. I have thought it has been fairly effective. I have thought it has adequately protected the rights of the Congress of the United States as the legislative branch and at the same time under the plan we have brought about some reorganizations that have been helpful.

Mr. BASS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield.

Mr. BASS of Tennessee. This in effect, however, is legislation which makes it possible to pass laws by negative action?

Mr. HALLECK. If the gentleman wants to put it that way, I suppose there would be as reasonable ground to believe that that is the effect of it. No one has quarreled about that. On the other hand, as I say, through the years it has been a fairly effective way of bringing about some reorganizations. After all, they do not deal with the substantive body of the law with respect to which the Congress still must be the originator but they deal with organization in the executive branch of the Government. It is true that the recommendations could come from the executive department and then action affirmatively be had in the Congress, but experience through all of the years has proved that that just does not work, so the other arrangement has been taken.

Again, I say my one suggestion is that the arrangement we have had for legislative disapproval ought to be continued the way it has existed up to this time. I cannot for the life of me see any reason to change it at this time.

Mr. TRIMBLE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Court as delivered by Mr. Chief Justice Warren, stated:

"And, of course, the Constitution does not confer lawmaking power on the President" (*Peters v. Hobby*, 349 U. S. 331).

<sup>2</sup> Having in mind the provisions of our Constitution previously referred to, Attorney General Mitchell (37 Op. A. G. 56, 63) analyzed the constitutional question presented to him on the basis that, unless the function were executive, the delegation would be unconstitutional, and if the function were executive, the setting up of a method whereby one House of Congress could disapprove Executive action violated art. II, sec. 1.

The Constitution is violated when Congress attempts to transfer legislative powers to the President (*Schechter Poultry Corp. v. U. S.*, 295 U. S. 495; *Panama Refining Co. v. Ryan*, 293 U. S. 388; *Yakus v. U. S.*, 321 U. S. 414).

<sup>3</sup> Economy Act of 1932 (47 Stat. 382); Reorganization Act of 1939 (53 Stat. 561); Reorganization Act of 1945 (59 Stat. 613); Reorganization Act of 1949 (63 Stat. 203).

<sup>4</sup> If vetoed, the bill still became law if two-thirds of each House by vote so indicated.

<sup>5</sup> Reorganization Act of 1949 (63 Stat. 203).



# AMENDING THE ADMINISTRATIVE EXPENSES ACT OF 1946

Mr. FASCELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 7390) to amend the Administrative Expenses Act of 1946, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 7390, with Mr. THOMAS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. FASCELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. BASS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield.

Mr. BASS of Tennessee. I thank the gentleman. The reason I asked him to yield is that I want to make this statement about the resolution just adopted. I did not ask for a rollcall on the rule but I am opposed to the bill it makes in order and I said a loud "No" on the voice vote.

Mr. FASCELL. In answer to that, may I say that the bill we are now considering is not the one whose consideration was made possible by the adoption of the rule to which the gentleman refers.

Mr. BASS of Tennessee. I thank the gentleman. But I am talking about the rule which makes possible the consideration of the extension of the reorganization act.

Mr. FASCELL. That is another bill which the committee will take up at another time.

Mr. BASS of Tennessee. I understand that.

Mr. FASCELL. Mr. Chairman, the bill which is now before the Committee of the Whole House for our consideration amends the Administrative Expenses Act of 1946 and is a matter which has been under consideration by the Committee on Government Operations for several years past. I have a statement by the chairman of the full committee which is very short and which I would like to present at this time because of the press of business the chairman of the full committee is not able to be here at this moment:

The bill provides certain minimum standards to be observed by all departments and agencies which seek or utilize advice or information from advisory committees, panels, or other groups composed wholly or partially of members who are not full-time salaried officials or employees of the Government.

During the course of hearings held by this subcommittee last year on the use of individual experts and consultants, we became aware of the vast number of these committees being used by the Government. These committees serve without compensation and to a large degree exercise the same type of advisory functions as those performed individually by WOC consultants. The individual consultant, however, usually has the status of a Government employee for most purposes and as such is subject to certain statutory and regulatory requirements as to employment, duties, and qualifications. Also, as employees of the United States, the individual consultants and experts are sub-

ject to the conflict of interest statutes and other laws and regulations governing the conduct and ethics of Government employees. On the other hand, our information indicates that members of advisory committees are not considered to be employees of the Government. They are not subject to any of the laws or regulations which restrict the activities of Government employees, and yet through their advisory functions they are often instrumental in guiding the formation of official Government policy.

As a result of the information received many of the members of this subcommittee feel that the Congress should know more about what these advisory groups do, how they are constituted, and what use is made of their advice and suggestions. These groups have been operating for many years without any centralized control and to a great extent without specific statutory sanction.

Mr. Chairman, this in a nutshell covers the background and purposes and scope of this legislation, and sets forth very, very clearly why the legislation is needed. Specifically, what does this bill do? First of all, it sets off in the first subsection that if an advisory committee is to be created or established in the future—and I make the distinction that those committees which are now operating, now established, now created and which are now in existence are not affected by the provision which I am about to discuss—this provision applies only to those committees established, created or formed or organized in the future. This provision says that if such a committee is to be established in the future that then not less than 30 days before such advisory committee is established, the head of the department transmits to the Speaker of the House, pursuant to the rules, a brief report. Let us see what this report requires and let us see why the Congress should have this minimum information when these advisory committees are to be set up. The report requires that the statute which specifically authorizes the formation of the committee—and if there is no such statute the authority in law which is relied upon for the establishment of the committee together with the determination by the head of the department that the services of that committee are in the public interest and the reasons upon which such a determination is made.

The Committee on Government Operations all through the hearings which were held on this subject recognized and realized the tremendous value of the advisory committee as a managerial tool. We want to encourage in every way the use of that managerial tool to make available and possible to the various branches of Government the best possible advice they can get. As we discuss this proposal and go through it piece by piece I think you will be convinced, as we were, that these very basic minimum fundamental standards with which we seek to have these committees comply, will in no way injure the great value of the advisory function of the many committees working with the executive branch of the Government.

Furthermore, this report would simply state the number of members of the committee, the general area of interest with which they would deal, and whether

they would serve with or without compensation, how long it would be anticipated that the committee would be active. This is the nature of the report that would be required for a new committee to be set up in the future.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield.

Mr. CELLER. These criteria or recommendations have been recommended by the Department of Justice. Am I correct?

Mr. FASCELL. Those in section (b) certainly have been recommended for a great many years, but as an administrative procedure. We will get into that question a little later.

Mr. MORANO. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield.

Mr. MORANO. Do these new requirements apply also to already established advisory committees that are in being?

Mr. FASCELL. The answer to that is Yes, the requirements of section (b) would apply to committees that are now in existence. They would have to meet these standards which we are about to discuss.

The bill sets up certain standards for the operation of advisory committees. These standards are standards which the Department of Justice as far back I believe as 1950 suggested were the bare minimum requirements under which advisory committees ought to operate.

These are simple standards and I want you to consider carefully as we go over these standards whether or not you think they are unduly restrictive, because the committee feels that they are not.

First of all, the advisory committee ought to have an agenda, and the testimony is clear on that subject. That is so elemental that it does not even bear discussion. But we did in this bill require that they must have an agenda which has to be formulated by the Government department or at least approved by it. This gives them all the flexibility they need. I cannot imagine anybody saying that is not a reasonable requirement.

Two, the meetings of such advisory committee shall be at the call of and under the chairmanship of a full-time salaried officer or employee of the Government. This requirement the committee considered because we had testimony which indicated that these committees were self-perpetuating bodies in some cases. The Government agency which had called upon them for advice did not exercise adequate control over them; that they operated as a purely independent body. The quality of the advice which they give certainly has to be qualified by nature of the special business or interest field in which they may be.

So we felt that as a minimum we should have an employee or an officer of the agency that is seeking the advice, as chairman of the committee. I might as well tell you that this is one feature to which some objection has been raised and we will discuss that at the time the objection is made.

Mr. VORYS. Mr. Chairman, will the gentleman yield?



Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. THOMAS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H. R. 7390) to amend the Administrative Expenses Act of 1946, and for other purposes, pursuant to House Resolution 296, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. HOFFMAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HOFFMAN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOFFMAN moves that the bill be re-committed to the Committee on Government Operations with instructions to receive further testimony thereon from the Department of Defense and the Post Office Department.

Mr. FASCELL. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the Chair was in doubt.

Mr. HOFFMAN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were yeas 183, nays 225, not voting 25, as follows:

#### [Roll No. 137]

#### YEAS—183

Adair	Cederberg	George
Alger	Chamberlain	Griffin
Allen, Ill.	Chenoweth	Gross
Andersen,	Chiperfield	Gubser
H. Carl	Church	Gwinn
Arends	Clevenger	Hale
Auchincloss	Cole	Halleck
Avery	Collier	Harden
Ayres	Corbett	Harrison, Nebr.
Baker	Cramer	Harvey
Baldwin	Cretella	Haskell
Bass, N. H.	Cunningham,	Henderson
Bates	Iowa	Heseltan
Baumhart	Cunningham,	Hess
Becker	Nebr.	Hiestand
Belcher	Curtin	Hill
Bennett, Mich.	Curtis, Mass.	Hillings
Bentley	Curtis, Mo.	Hoeven
Berry	Dague	Hoffman
Betts	Dawson, Utah	Holmes
Bolton	Dellay	Holt
Bosch	Dennison	Horan
Bow	Derounian	Hosmer
Bray	Devereux	Hyde
Broomfield	Dixon	Jackson
Brownson	Dooley	James
Broyhill	Dorn, N. Y.	Jenkins
Budge	Dwyer	Jensen
Burdick	Fenton	Johansen
Bush	Fino	Jonas
Byrne, Ill.	Ford	Judd
Byrnes, Wis.	Frelinghuysen	Kean
Capfield	Fulton	Kearney
Carriegg	Gavin	Keating

Keeney	Norblad	Smith, Calif.
Kilburn	O'Hara, Minn.	Smith, Kans.
Knox	Osmer	Smith, Wis.
Klueger	Ostertag	Springer
Laird	Patterson	Stauffer
Latham	Pelly	Taber
LeCompte	Pillion	Talle
McCulloch	Poff	Taylor
McDonough	Prouty	Teague, Calif.
McGregor	Radwan	Tewes
McIntire	Ray	Thomson, Wyo.
McIntosh	Reed	Tollefson
McVey	Rees, Kans.	Utt
Mack, Wash.	Rhodes, Ariz.	Van Pelt
Martin	Robson, Ky.	Van Zandt
Mason	Rogers, Mass.	Vorys
Meador	St. George	Vursell
Morrow	Saylor	Wainwright
Miller, Md.	Schenck	Weaver
Miller, Nebr.	Scherer	Westland
Miller, N. Y.	Schwengel	Wharton
Minshall	Scott, Pa.	Widnall
Moore	Scrivner	Wigglesworth
Morano	Scudder	Williams, N. Y.
Mumma	Sheehan	Wilson, Calif.
Neal	Siler	Wilson, Ind.
Nicholson	Simpson, Ill.	Withrow
Nimtz	Simpson, Pa.	Ycunger

#### NAYS—225

Abbitt	Gary	Multer
Abernethy	Gathings	Murray
Addonizio	Gordon	Natcher
Albert	Granahan	Norrell
Alexander	Grant	O'Brien, Ill.
Andrews	Gray	O'Brien, N. Y.
Anfuso	Green, Oreg.	O'Hara, Ill.
Ashley	Green, Pa.	O'Neill
Ashmore	Gregory	Passman
Aspinall	Griffiths	Patman
Barden	Hagen	Peikins
Baring	Haley	Pfost
Barrett	Hardy	Philbin
Bass, Tenn.	Harris	Pilcher
Beckworth	Harrison, Va.	Poage
Bennett, Fla.	Hays, Ark.	Polk
Blatnik	Hays, Ohio	Porter
Boggs	Healey	Preston
Boland	Hébert	Price
Bolling	Hemphill	Rabaut
Bonner	Herlong	Rains
Boyle	Hollfield	Reuss
Breeding	Holland	Rhodes, Pa.
Brooks, Tex.	Huddleston	Riehlman
Brown, Ga.	Hull	Riley
Brown, Mo.	Ikard	Rivers
Brown, Ohio	Jarman	Roberts
Buckley	Jennings	Robeson, Va.
Burleson	Johnson	Rodino
Byrd	Jones, Ala.	Rogers, Colo.
Byrne, Pa.	Jones, Mo.	Rogers, Fla.
Cannon	Karsten	Rogers, Tex.
Carnahan	Kee	Rooney
Celler	Kelley, Pa.	Roosevelt
Chelf	Kelly, N. Y.	Rutherford
Christopher	Keogh	Sadlak
Cludoff	Kilday	Santangelo
Clark	Kilgore	Scott, N. C.
Coad	King	Seely-Brown
Coffin	Kirwan	Selden
Colmer	Kitchen	Shelley
Cooley	Kluczynski	Sheppard
Cooper	Knutson	Shufford
Davis, Ga.	Landrum	Sieminski
Davis, Tenn.	Lane	Sikes
Delaney	Lanham	Sisk
Dempsey	Lankford	Smith, Miss.
Denton	Lennon	Smith, Va.
Dies	Lesinski	Spence
Diugell	Lipscomb	Staggers
Dollinger	Long	Steed
Donohue	Loser	Sullivan
Dorn, S. C.	McCarthy	Teague, Tex.
Dowdy	McCormack	Thomas
Doyle	McFall	Thompson, La.
Durham	McGovern	Thompson, Tex.
Eberharter	McMillan	Trimble
Edmondson	Macdonald	Tuck
Elliott	Machrowicz	Udall
Engle	Mack, Ill.	Ullman
Ewins	Madden	Vanik
Fallon	Magnuson	Vinson
Farbstein	Mahon	Walter
Fascell	Marshall	Watts
Feighan	Matthews	Whitener
Fisher	May	Whitten
Flood	Metcalf	Wier
Flynt	Michel	Williams, Miss.
Fogarty	Miller, Calif.	Willis
Forand	Mills	Winstead
Forrester	Montoya	Wright
Fountain	Morgan	Yates
Frazier	Morris	Young
Friedel	Moss	Zablocki
Garmatz	Moulder	Zelenko

#### NOT VOTING—25

Allen, Calif.	Boykin	Morrison
Anderson,	Brooks, La.	O'Konski
Mont.	Coudert	Powell
Andresen,	Dawson, Ill.	Reece, Tenn.
August H.	Diggs	Saund
Bailey	Holtzman	Teller
Beamer	Kearns	Thompson, N. J.
Blitch	McConnell	Thornberry
Bowler	Mailliard	Wolverton

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Wolverton for, with Mr. Holtzman against.

Mr. Reece of Tennessee for, with Mrs. Blitch against.

Mr. Coudert for, with Mr. Teller against.

Mr. Allen of California for, with Mr. Bailey against.

Mr. Beamer for, with Mr. Thompson of New Jersey against.

Mr. Kearns for, with Mr. Dawson of Illinois against.

Mr. McConnell for, with Mr. Morrison against.

Mr. August H. Andresen for, with Mr. Powell against.

Mr. Mailliard for, with Mr. Thornberry against.

Until further notice:

Mr. Boykin with Mr. O'Konski.

Mr. JENKINS changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on passage of the bill.

The question was taken; and the Speaker announced that the yeas appeared to have it.

Mr. BALDWIN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

So the bill was passed.

A motion to reconsider was laid on the table.

#### DEEPENING OF THE DELAWARE RIVER CHANNEL

The SPEAKER. The Chair recognizes the gentleman from Missouri [Mr. CANNON] for 5 minutes.

Mr. CANNON. Mr. Speaker, as I have had occasion to say before, no private citizen renders a more valuable service to good government than our friend, Drew Pearson. He may not be infallible. But his batting average for accuracy is so impressive as to afford cause for credence in statements made in his daily column.

My only protest, if it may be called a protest, is that he does not always give opportunity for the traditional day in court—no opportunity to refute statements.

That is particularly true of his statement in this morning's column to the effect that the chairman of the Committee on Appropriations quietly pushed through an appropriation for a 40-foot channel in the Delaware River.

I am the last man on the committee of 50 members who could be charged with pushing that item through. And certainly there was nothing quiet about it.

It is not a new subject. And there could have been no element of surprise



about it. Proponents of this project have been industriously building up this proposal for the last 3 years.

Authorization for a 40-foot channel in the upper Delaware River passed both the House and Senate and was signed by the President in 1954. A Senator appearing before the House committee said:

In the Senate there was quite a controversy whether or not this would be a 40-foot channel. After extended debate the Senate approved the authorization by a more than 2-to-1 vote.

Under that authorization the President's budget for the fiscal year 1956 proposed \$6 million for the 40-foot channel contingent on reaching an agreement with the local interests—United States Steel—to contribute at least \$18 million. The Senate added it to the bill but the House managers threw it out in conference.

On June 16, 1955, when the bill was under consideration in the House an amendment was offered from the floor to include \$18,500,000 for the purpose but after extended debate was rejected.

This year the budget for the fiscal year 1958 included \$9 million for a 35-foot channel which the committee adopted with instructions to increase the depth to 40 feet.

At all times I have opposed this expenditure because it was apparently for the sole benefit of a few of the larger steel companies. A Member of the House in the course of debate characterized it as a proper bill for the Private Calendar and said it ought to be entitled "A Bill for the Relief of the United States Steel Corp." I opposed it because it would in effect constitute a Federal subsidy to a few of the larger steel companies thereby putting the Government in the position of supporting unfair competition; because the steel companies affected can easily solve their problems by locating their plants on deeper water or by using superbarges similar to those on the Great Lakes; because the larger channel will open up the river to heavier tides and storms increasing the maintenance problems of that area; because the cost of chiseling through 7 to 10 miles of solid rock is excessive; because as pointed out in House floor debate on the \$18,500,000 amendment, the need for the deeper channel was originally occasioned by four steel ore boats being built in Japan with cheap foreign labor in competition with American labor; and again because President Eisenhower asked that the steel companies for which this 40-foot channel is to be provided, contribute \$18 million as their fair portion.

And, Mr. Speaker, these proceedings were not had under a bushel. Extensive hearings were held. Two Senators and 12 Congressmen appeared before the committee in the hearings on the bill, as well as representatives of local business organizations opposed to the appropriation, and other interested citizens. The printed hearings were distributed to the press and were available for all who desired them.

Now, Mr. Speaker, like Mr. Pearson, I am not infallible. I may be entirely mistaken in my judgment in opposition to this appropriation. It is approved by many men wiser than I am. And they have given in the hearings and in debate here on the floor substantial reasons for their support of the appropriation. I have just been informed that the Senate committee has not only approved the item unanimously but has proposed an amendment adding \$2 million to the amount passed in the House. It is quite possible that I may be entirely wrong about the matter.

But certainly I cannot be charged with pushing the appropriation and no one in the House has reason to be in doubt about my position on it.

Mr. Speaker, I herewith append the article referred to and ask unanimous consent that it be included in my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The article referred to is as follows:

UNITED STATES STEEL ASKING COSTLY PROJECT  
(By Drew Pearson)

While United States Steel was touching off a chain reaction of inflation which will hit everything from bobby pins to automobiles, it was simultaneously pulling wires for a 40-foot channel in the Upper Delaware River so bigger ore ships can reach its giant Fairless Works at Morrisville, Pa.

Deepening the channel will cost the taxpayers an estimated \$91,738,000—a free gift to United States Steel because it is the only company planning to use super ore carriers on the Upper Delaware.

This costly project, benefiting one private company, was quietly pushed through the House Appropriations Committee by Chairman CLARENCE CANNON, Democrat, of Missouri. It is now being considered by a Senate Appropriations Subcommittee headed by Senator ALLEN ELLENDER, Democrat, of Louisiana.

Property owners along the Delaware claim a deeper channel will increase the flood menace. They point out that the last damaging flood in August 1955, was caused by hurricane-driven water forced up the Delaware. A 40-foot channel would permit more floodwater to be driven up the river. If the taxpayers have \$91,738,000 to spare, they say, it should be spent on flood control for the benefit of all the property owners.

The White House is incensed over the way United States Steel thumbed its nose at President Eisenhower by hiking the price of steel 1 day after his appeal against inflation. It remains to be seen, however, whether the White House will oppose spending \$91,738,000 to dredge a private, dead-end passageway up the Delaware for the same United States Steel. Observers note that in the past Ike has frequently rewarded his opponents in the field of big business; even appointed Ben Fairless, a backstage power in United States Steel, to a high advisory post in his administration.

UNITED STATES STEEL DIVIDENDS

Here's what a tough time United States Steel has had during the past 10 years. If you invested \$10,000 in United States Steel in 1947, you will find its value today has shot up to \$61,506. During that same 10-year period, it paid dividends of \$12,774.

Thus the income and the value added together total \$74,280. If you deduct your original investment of \$10,000, you received a profit during the 10-year period of \$64,280.

AMENDING REORGANIZATION ACT  
OF 1949

Mr. FASCELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8364) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H. R. 8364, with Mr. BLATNIK in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Florida [Mr. FASCELL] is recognized for 30 minutes, and the gentleman from Michigan [Mr. HOFFMAN] will be recognized for 30 minutes.

Mr. HOFFMAN. Mr. Chairman, I wish to state that the gentlewoman from Indiana [Mrs. HARDEN] will be in charge of the bill on this side.

Mr. FASCELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have before us the bill (H. R. 8364) which amends the Reorganization Act of 1949, as amended. It makes two amendments to that act. One is to authorize the President to submit reorganization plans up to June 1 of 1959 although they might become effective after that date, whereas without this legislation that authority would have expired.

Mr. Chairman, the bill also amends the act to provide that plans submitted to Congress may be disapproved by a majority vote of either the House or the Senate instead of an authorized majority of either House as is the law at the present time. These are the two amendments that are made to the act in this bill. One extends the act, authorizes the President to submit plans to June 1, 1959. The reason we selected that date, of course, was to assure that there would be 60 days for consideration during June and July before Congress adjourned.

The original request of the President was for a 4-year extension. The committee, however, felt that since in 1953 and 1955 there were only 2-year extensions we also recommended an extension for this period of time. We would bring the expiration within the term of this administration and not extend over to the next administration. This would give the Congress the opportunity at that time to decide if it wanted the legislation further extended. We felt that a 2-year extension was ample.

There was some opposition with respect to extending this act at all and the fact that Congress would not be able to work its will on these matters. As a result of that type of discussion we proposed this other amendment in the bill which was to do away with the necessity for a majority of the authorized membership to disapprove any Presidential plan and proposed in the legislation that



it would be by a simple majority of either the House or the Senate, making the act more flexible and making it easier for Congress to disapprove a Presidential proposal.

Mr. MORANO. If the gentleman will yield, does the gentleman by authorized majority mean a constitutional majority?

Mr. FASCELL. No. We provide in this amendment that it will take only a simple majority.

Under existing law, of course, a reorganization plan submitted by the President would take effect after 60 days unless within that time a resolution of disapproval has been passed by at least one branch of Congress. Under the old law it had to be passed by a majority of the authorized membership; under the proposed amendment it would be a simple majority.

There has been some discussion as to whether or not a case has been made for extending the act. In response to that I would say the administration thought it of sufficient importance to make a special request for the extension of the Reorganization Act. In addition to that we know Congress has already extended it from time to time and that under the Reorganization Act we have had a great many plans submitted and reorganizations effected. It is true that since January 1, 1955, only five reorganization plans have been submitted to the Congress. In 1956 both plans were rejected. There is one pending in 1957.

The testimony before the committee was that while they had no specific plans in mind at the present time, the administration did contemplate some changes of a major nature in the years to come and, therefore, felt it was vital and of importance for them to have an extension of this act. The committee's feeling in this regard was that we have had some very successful reorganizations and that certainly this administration should be extended the right to submit those plans to this Congress.

Those of us who are familiar with the act know there are limitations in the legislation, and thus despite the fact that some may consider it unconstitutional, some may not like to legislate negatively, the plain fact is, today we are here seeking to extend the act under which great improvements have been made. So I would say despite these objections which were raised in the committee, and are in the report, of unconstitutionality, and the fact that a strong enough case has not been made, the committee felt that with the amendment we have proposed to the act it would give Congress a degree of control greater than that which was requested by some of the opponents who would rather have Congress legislate directly on the subject of executive reorganization or give the right to have Congress amend the plans as they are presented by the President of the United States.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The gentleman from Florida has made a very frank statement as to the situation that exists in relation to this bill. In committee

there was a danger as to whether or not the bill would be reported out of the committee. I am on the subcommittee that the bill was referred to and a member of that full committee. Probably I had considerable to do in connection with the bill being reported out of both the subcommittee and the full committee. I would like to have the attention of the Republican leadership just to give them some information which might be of some interest.

Personally, I favor the constitutional majority, but I am supporting the bill because this is a compromise and a fair, reasonable one within the committee, without which there might have been difficulty in getting any bill out of the committee. When I make an agreement in committee I go through with the agreement that I make. As I said, I personally favor the constitutional majority; in fact, I think I am the one who was mainly instrumental in putting it in the law and having it enacted into law several years ago.

We are faced with a very practical situation. My agreeing to this amendment enabled others who opposed the bill to harmonize their differences, our differences, so that the bill was reported out of the committee. All of us who favor the extension of the law suggest we not haggle over that, but be sure we pass the bill.

In practical operation the average vote on rollcall is about 400. That would mean there would have to be 201 to reject any reorganization plan. It is true that under the constitutional majority there would have to be 218, and I admit on occasions the necessity of getting that extra vote might be important; but, generally speaking, if you can get 201 you can get 218. Perhaps in rare cases you may not be able to do that.

I am suggesting to the gentlemen on the other side that my cooperating with them as I have means it might be well for those of us who support the bill not to get into a controversy over whether it is a constitutional or simple majority, but to adopt the recommendation of the committee and put the bill through as reported by the committee.

Mr. MARTIN. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Massachusetts.

Mr. MARTIN. If we adopt the amendment, we would be compelled to send the measure to the other branch, which under the present circumstances might tie the legislation up for some time. If we do not adopt the amendment, there would not be the necessity of waiting on the other branch, and the bill could go directly to the President.

Mr. McCORMACK. The Senate bill was a simple majority, I think, although I am not sure. If the bill passed the Senate with a simple majority it would go direct to the White House, but I am not sure it was a simple majority or a constitutional majority.

Mr. MARTIN. I understand it was a constitutional majority.

Mr. McCORMACK. My vague impression is it was a constitutional majority, too.

Mr. FASCELL. The gentleman is correct.

Mr. MARTIN. If we eliminated section 2, we would conform absolutely to the Senate bill and that would be the end of the controversy?

Mr. McCORMACK. That would eliminate the simple majority. I am backing up the committee. I do not know what will happen. There might be a reversal of opinion and you might be faced with a possible defeat of the bill. There are some on the gentleman's side who are opposed to the bill. We know of the difficulty through the years to get legislation of this kind enacted into law, and I, as majority leader, am conveying to my friends how much I cooperated with the administration and with your leader and my President in getting a bill out of the committee, and I would not want to see anything done that would make it more difficult for passage in the House.

Mr. MARTIN. I appreciate the generous spirit of the majority leader.

Mr. McCORMACK. Oh, it was very generous, I assure you.

Mr. MARTIN. I was hopeful you might be a little more generous and make sure that the bill was passed immediately. And I would further say you need not worry about the votes on this side.

Mr. McCORMACK. Well, I am not so sure.

Mr. MARTIN. Well, we are not so sure about anything in this world.

Mr. McCORMACK. That is true, but an ounce of prevention is worth a pound of cure. I do not care what the gentleman does, but, if you offer the amendment and it is adopted, I will vote against the bill, because I am going through with the promise I made in committee. And I keep my word. I do not know how many others on my side will follow that.

Mr. FASCELL. I thank the distinguished majority leader for the observations concerning the legislation, and I would suggest to the minority leader that it would be a very simple matter, if the legislation is adopted, to get it over to the Senate so that they can act on it in a hurry.

Mr. Chairman, that concludes my presentation on this legislation. The committee believes, in all fairness, that the amendment of the simple majority that we have in the bill responds to a great many members who have objected to the extension of this act, because it is a delegation outside of the hands of the Congress. And, in doing so, we are acting in complete fairness for this administration to have the right to have this legislation which has been used by other administrations in effecting reorganization plans. And we submit, in all fairness, that that should be done, and that is why we adopted the 2-year provision.

Some 56 reorganization plans have been transmitted to the Congress. Forty-one have become effective. Fifteen reorganization plans were transmitted during the past 4 years and 12 were permitted to take effect. And, I repeat again, 2 were submitted last year, both rejected, and 1 is now pending.



The administration says it has in the mill certain major recommendations for reorganizations that it would like to submit to the Congress in the next 2 years and therefore seeks the passage of this legislation.

Mrs. HARDEN. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. MEADER].

(Mr. MEADER asked and was given permission to revise and extend his remarks.)

Mr. MEADER. Mr. Chairman, I wrote additional views in the report which you have before you on this bill which set forth my position on this legislation. I dislike to oppose the administration or the leadership on my side of the aisle, but I regard this as a fundamental matter.

One of my main objectives in my service in the Congress is to strengthen the Congress and let it assume the policy-making responsibilities which the Constitution placed in it. I am disturbed each time when authority over public affairs gravitates away from the elected representatives of the people and into the bureaus and agencies in the executive branch of Government. This piece of legislation is of that type, and it disturbs me that we so casually continue to vest this authority in the executive branch of the Government when no case has been made that would justify it.

Now, I voted for the two previous extensions of this legislation. I did so because both of those previous extensions occurred when we were receiving reforms recommended by the first Hoover Commission and the second Hoover Commission for streamlining the executive branch of the Government. The second Hoover Commission, however, issued its final report in December 1954, and in the last year, 1956, the administration only found two reorganizations to send up to the Congress.

One dealt with creating Assistant Secretaries for Research in the Department of Defense. The other dealt with separating the deposit insurance function from the Home Loan Bank Board. Both were ill-advised reorganizations. Both were defeated unanimously and without debate in the Committee on Government Operations. Both were defeated unanimously and without debate by the House of Representatives. Assistant Secretaries for Research were promptly created by legislation.

This year one plan has been sent up with respect to the Reconstruction Finance Corporation which has legally gone out of existence, on which there is no controversy. It has already taken effect.

The gentleman from Massachusetts [Mr. McCORMACK], as I pointed out in the discussion under the rule, asked, "Just why do you need this power? What reorganizations do you plan?" And he could not get any answer that would justify continuation of this power.

What I am bothered about is that we lightly continue this delegation of legislative authority which was made many years ago, without adequate consideration. What has happened to us in our respect for our own responsibility and authority that our leadership would

recommend that we continue a delegation of legislative power to the executive branch of the Government without even adequate discussion?

That is why I felt compelled to call the attention of Members of the House to what we are doing here. We have continued this authority so frequently that now we are numb and, as the gentleman from Florida already has argued, we crossed that bridge years ago. No longer do we regard ourselves as having the right to terminate this legislative power in the executive branch of the Government. I say that we ought to be very chary about delegating our constitutional power, and require the administration to come up and make out a case that they need it. Then I will be for granting it.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The gentleman's position has always been clear through the years. So, also, has the position of the gentleman from Michigan [Mr. HOFFMAN] throughout the years. I think the gentleman will agree that the statement I made just a minute ago was a very frank one and a very honest one; was it not?

Mr. MEADER. I think the gentleman would find—and I have not attempted to take a poll of the Committee on Government Operations—a great many Members on both sides of the aisle who are disturbed about this light continuation of this grant of legislative power to the Executive.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman.

Mr. HARDY. I thank the gentleman. Mr. Chairman, I should like to associate myself with the gentleman in the general nature of the remarks which have been made by him. I have read his additional views in the committee report and I find myself in substantial agreement with them. I joined other members of the committee in voting to report this legislation out. I am frank to say that I would not have joined them if we had not had section 2 in the bill. If that were taken out I would vote against it because I do not think there is any real reason for a continuation of it in its present form.

Mr. MEADER. I thank the gentleman for his statement.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman.

Mr. HOFFMAN. If I understood the gentleman from Massachusetts [Mr. McCORMACK], correctly, he was in favor of a bill which would require one House at least to express disapproval by a two-thirds constitutional majority, but that he had some sort of agreement with some member of the committee to take what we now have and that was his only reason for accepting this bill. I did not make any agreement with anybody about anything. I have always opposed this type of legislation be-

cause it is in conflict with the method prescribed by the Constitution.

Mr. MEADER. Mr. Chairman, with respect to the vote by which either House may reject a reorganization plan, my record is clear on that subject from the very first term that I served in Congress. I offered an amendment to the Emergency Reorganization Act that we had during the Korean war, which passed this body and provided that plans could be rejected by a simple majority. In subsequent Congresses I have introduced legislation to strike from the Reorganization Act the requirement that there be a vote of a majority of the authorized membership, in other words, 218 votes in the House, and 49 votes in the Senate.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Virginia.

Mr. HARDY. Actually this provision which we have set up for the President to reorganize does not really help very much. He can send the same thing down in legislation prepared at the White House or in the agencies for consideration by the committees. It would just have to be acted on on both sides. It would just take a little longer. Certainly if we give him the right to continue and then deny it by a simple majority, that is all anybody ought to want to give away of our own responsibilities. I think we ought to give back some of them. That is what I am trying to do.

Mr. MEADER. When this bill was first considered in the 83d Congress the committee was prepared to accept that voting procedure and the President was prepared to accept it, until some of the advisers in the bureaus or agencies said this would make it too easy for the Congress to turn down a plan. As you recall, here on the floor of the House we had quite a debate over whether it should be a constitutional majority or simply a majority of a quorum. Certainly I would oppose striking section 2 of the bill. I believe Congress certainly ought to amend the law, if they are going to extend it, in order to make it possible for either House to defeat a reorganization plan.

The gentleman from Michigan [Mr. HOFFMAN] will recall the first reorganization plan of 1950, which abolished the Board of Directors of the Reconstruction Finance Corporation and provided for a single Administrator with unlimited term. The effect of that plan was to take away all of the safeguards and the checks that Congress had written into the Reconstruction Finance Corporation Act, under which billions of dollars of public money were handled, and invest all that power in one czar who never had to come before the Senate again to get their approval of the conduct of his office. He would be in office permanently with no limitation on his term. When that plan came before the House of Representatives it was voted against by 200 Members of the House of Representatives but 198 voted for it. Since we did not have 218 Members, the plan took effect, even though a majority of the House was opposed to it.



Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Michigan.

Mr. HOFFMAN. It is a little difficult for me to understand the position of my good friend from Virginia [Mr. HARDY] and some others on that side. They just finished putting a straitjacket on the executive branch downtown. Now they are crying because they want to put a little one on the administration and the administration does not want it.

Mr. HARDY. I would have to disagree with that thinking. In both cases it is entirely consistent. We are trying to keep in the Congress the authority which belongs to us.

Mr. HOFFMAN. All I am complaining about is the way you treat the executive departments and then complain because they hand a little bit back to us.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Iowa.

Mr. GROSS. What was the purpose of this backdoor method of legislation in the first place if it was not to produce efficiency and economy in Government?

Mr. MEADER. That is the purpose of it.

Mr. GROSS. Does the gentleman think it has accomplished that?

Mr. MEADER. I could hardly answer that in the short time I have remaining. I voted for the act when the recommendations for the first Hoover Commission were before us, because I thought the President could send up programs for streamlining and transferring functions within the executive branch of the Government as recommended by the Hoover Commission, and that they probably would get more speedy and effective consideration by this bobtailed method of adopting national policy. For the same reason I supported the second extension that has come up since I have been in Congress, because we had before us the recommendations of the second Hoover Commission. But my point is that enough time has elapsed after the studies of these two reorganization commissions to have set up any worthwhile plan. There is nothing on file showing a need for continuing this authority and to grant it when there is no reason for it, just shows me how lightly the Congress regards its constitutional prerogatives and responsibilities.

Mr. GROSS. The administration or any department of the Government can obtain consideration of any meritorious legislation that is sent to the Congress through regular procedure; is that not true?

Mr. MEADER. The administration has been very successful in getting favorable legislation through the committees and through both branches of the Congress. Let me say in that case, as is not the case under reorganization plans, the members of committees who may be thoroughly familiar with the field in which their committee legislates will have an opportunity to correct language and to mold and to shape the legislation. But, under a reorganization plan, which is not subject to amendment, it cannot

be modified by the policymaking authority of this Congress. We must take it or leave it as it is written. We cannot even correct a typographical error in a reorganization plan.

Mr. GROSS. I just want to say I associate myself with and commend the gentleman's opposition to this bill. I am opposed to it with or without section 2.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Florida.

Mr. FASCELL. Will not the gentleman agree that section 2 makes an improvement in the bill from the standpoint of the gentleman?

Mr. MEADER. Yes, indeed, and I said so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FASCELL. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. BASS.]

(Mr. BASS of Tennessee asked and was given permission to revise and extend his remarks.)

[Mr. BASS of Tennessee addressed the Committee. His remarks will appear hereafter in the Appendix.]

Mrs. HARDEN. Mr. Chairman, I have no further requests for time.

Mr. FASCELL. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Georgia [Mr. LANHAM].

(Mr. LANHAM asked and was given permission to revise and extend his remarks.)

Mr. LANHAM. Mr. Chairman, I first came to this body in the 80th Congress and was assigned to the Committee on Expenditures in the Executive Departments, now the Committee on Government Operations. At that time the distinguished gentleman from Michigan [Mr. HOFFMAN] was chairman of that committee.

In passing, I want to say that I have never seen a fairer chairman of any legislative committee. He would begin the questioning with the very lowest man in seniority, with the lowest man on the Democratic side, and then he would proceed by stages to the top-ranking man on his own side. He was quite helpful to the freshmen members on that committee, and I enjoyed my service on that committee.

As a member of that committee I helped to set up the first Hoover Commission. I was very enthusiastic about the reports and recommendations of the first Hoover Commission, and joined with the committee and did my utmost to see that the Hoover Commission recommendations that were sent down in reorganization plans by the President were put into effect. I recall that I favored requiring both Houses of the Congress to disapprove the President's reorganization plans, else have them go into effect at the end of 60 days.

The gentleman from Michigan [Mr. HOFFMAN] opposed this procedure and I took him to task for his opposition. I see now that he was right and I was wrong. Previous speakers have sought to justify this bill by saying that we have already crossed the bridge by previous legislation which reversed the legislative

process, as this bill does. I crossed this bridge with the gentleman from Indiana and with the gentleman from Michigan, but I say to you now that I made a mistake. I am convinced that this is the wrong way to legislate. I am admitting my mistake in supporting such legislation and I am going to march back over that bridge and try to get back into the Congress the power to legislate. I agree with the gentleman from Michigan [Mr. MEADER] that this Congress has frittered away and given away its powers and authority. I am no longer going to be a party to that. We have divested ourselves of certain powers, we have tried to divest ourselves of the responsibility of writing our tariff laws and soon found out that we no longer have anything to say about the writing of our tariff laws and can bring no relief to our distressed industries. That is another illustration of the way this Congress has just given away its powers and what we have not given away ourselves the Supreme Court has assumed to exercise. Before you know it, we are going to be nothing but a rubber stamp for the executive department. I want to see the process reversed, and I hope we will march back over this bridge, for fortunately we did not burn our bridges behind it. We went over it, we made a mistake when we went out into this uncharted territory, and I hope today we are going to recross it and make a beginning toward getting again for the Congress the powers and the rights—of course the responsibility is still ours—but we must get the powers back—that we have frittered away and given away and let the Chief Executive and the Supreme Court assume.

I am just hoping that we will defeat this bill today. Certainly the amendment improves it and if it has to be passed I hope the amendment will be kept in the bill.

The Hoover reports have, no doubt, done some good. They might have made some of our departments a little more efficient, but if they ever have saved a dime, I do not know it. I took part in the debate on all of these plans when they were sent down and did my utmost to see that they were adopted by this House, but I do not think they have done very much good and I do not know of a single dollar that has been saved by the adoption of these plans. But I am not here going to attack the Hoover Commission or its reports or recommendations. Mr. Hoover rendered a patriotic service, especially as Chairman of the first Hoover Commission. But the economies he predicted just have not materialized.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. FASCELL. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Indiana.

Mr. HALLECK. I would like to say for myself on the gentleman's time because our time over here has been yielded back, that I helped create both Hoover Commissions and I am one of those who believes their recommendations have been very helpful. They have been



helpful to all the people. I believe that many that have been adopted have been worth while and in the public interest. Mr. Hoover in his work on that Commission has done another magnificent service for all the people of our country. I thank the gentleman for giving me this opportunity. I may say further, it is obvious from what has been said on the other side that section 2 which provides for the simple majority in this bill, because it has been advocated on the other side undoubtedly will remain in the bill. We must apparently be resigned to that.

Mr. LANHAM. Mr. Chairman, as I said a few moments ago, the Hoover Commission recommendations that have been put into effect have in some instances done some good. I do not think they have saved us a penny in money, and on the other hand in some respects they have weakened the influence of the Congress on the quasi-legislative boards and commissions set up by the Congress as its agents, through giving the President the right to name the chairmen of these various bodies. It gives the President domination over them by giving him the right to designate a chairman and by putting so much power in the chairmen. You have seen it at work in the Atomic Energy Commission, you have seen it in many of the other quasi-judicial or legislative organizations established by the Congress as arms of the Congress, yet now dominated by the Executive. I think the whole thing is very dangerous and that we ought to get back into our own hands these powers and we ought to retain the responsibilities the Constitution places upon the Congress, and discharge them ourselves instead of trying to delegate them to the Chief Executive.

Mr. FASCELL. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HOLIFIELD].

(Mr. HOLIFIELD asked and was given permission to revise and extend his remarks.)

[Mr. HOLIFIELD addressed the Committee. His remarks will appear hereafter in the Appendix.]

The CHAIRMAN. The time of the gentleman from California has expired. All time has expired and the Clerk will read.

The Clerk read as follows:

*Be it enacted, etc.,* That subsection (b) of section 5 of the Reorganization Act of 1949 (63 Stat. 205; 5 U. S. C. 133 z-3), as last amended by the act of March 25, 1955 (69 Stat. 14), is hereby further amended by striking out "June 1, 1957" and inserting in lieu thereof "June 1, 1959."

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 4, after "5 U. S. C." add "133."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 2. Subsection (a) of section 6 of the Reorganization Act of 1949 (63 Stat. 205; 5 U. S. C. 133 z-4) is amended by striking out "by the affirmative vote of a majority of the authorized membership of that House."

Mr. HALLECK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I said earlier in the debate that I have supported through the years the provision for constitutional majority action in the Congress. This measure as it comes before us now provides for a simple majority. It is apparent that probably that is the best that we can hope for in this extension. In any event, if that is the situation, I want it to be understood exactly what is before us.

I might say this further word. I voted for the arrangement for the constitutional majority when the President of the United States was of the party other than my own. So far as I am concerned, I would much prefer to grant that same consideration and authority to the President who is now of my party. Certainly I have no less confidence in him than I had in his predecessors. But as a matter of practicality, and that is what we are confronted with here at the moment, which is very obvious, I shall support this measure as it is written.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman.

Mr. FASCELL. I will state to the gentleman that it was not a question of lack of confidence that brought this about. It was a question of responding in some measure to those Members who felt that Congress should retain some form of control, as a matter of principle, without regard to who might be in the White House.

Mr. HALLECK. I trust that that is what it was. I certainly would not argue that anyone else felt any differently, because I certainly would not want to suggest that anyone on the gentleman's side of the aisle is exhibiting any less confidence in our present President than I exhibited in years past when I voted for the other arrangement. In any event, with these remarks, so far as I am concerned, I hope the measure passes.

Mr. GROSS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, it is late and I shall take only a minute.

I am intrigued by the statements made this afternoon by those who say that this procedure in the past was bad but with this simple majority provision it is a little less worse. That is what it amounts to. The procedure in the past was bad, no good, but this makes it a little more palatable. I am opposed to this procedure in toto and have opposed it ever since I have been a Member of Congress. Unlike the gentleman from Indiana, I hope the bill is defeated.

Certainly some of the Hoover Commission recommendations have been meritorious, but there is not a single one of them that could not have been handled in and through the normal processes of legislation.

This bill will extend a wholly unwarranted delegation of legislative power and to that I am opposed.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BLATNIK, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H. R. 8364) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959, pursuant to House Resolution 310, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. HOFFMAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HOFFMAN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOFFMAN moves that the bill be recommit to the Committee on Government Operations.

Mr. FASCELL. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the yeas appeared to have it.

Mr. BASS of Tennessee. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 44, nays 336, not voting 53, as follows:

[Roll No. 138]

YEAS—44

Abernethy	Evins	Passman
Alexander	Flynt	Pilcher
Alger	Forrester	Poage
Ashmore	Gross	Riley
Barden	Hébert	Rivers
Bass, Tenn.	Hemphill	Robeson, Va.
Bennett, Mich.	Hoffman	St. George
Bosch	Johansen	Selden
Chelf	Kitchin	Shuford
Christopher	Landrum	Whitener
Cooley	Lanham	Whitten
Davis, Ga.	Lennon	Wier
Dies	McMillan	Williams, Miss.
Dorn, S. C.	Matthews	Winstead
Dowdy	Meador	

NAYS—336

Abbitt	Andrews	Baring
Adair	Anfuso	Bass, N. H.
Addonizio	Arends	Bates
Albert	Ashley	Baumhart
Allen, Ill.	Aspinall	Becker
Andersen	Auchincloss	Beckworth
H. Carl	Avery	Belcher
Andresen	Ayres	Bennett, Fla.
August H.	Baldwin	Bentley



Berry	Haley	Norblad
Betts	Halleck	Norrell
Blatnik	Harden	O'Brien, Ill.
Boggs	Hardy	O'Brien, N. Y.
Bolling	Harris	O'Hara, Ill.
Bolton	Harrison, Nebr.	O'Neill
Bonner	Harrison, Va.	Ostertag
Bow	Harvey	Patman
Boyle	Haskell	Patterson
Bray	Hays, Ark.	Pelly
Brooks, La.	Hays, Ohio	Perkins
Brooks, Tex.	Healey	Pfost
Broomfield	Henderson	Philbin
Brown, Ga.	Herlong	Pillion
Brown, Mo.	Heseltun	Poff
Brown, Ohio	Hess	Polk
Brownson	Hiestand	Porter
Broyhill	Hill	Preston
Budge	Hillings	Price
Burdick	Hoeven	Prouty
Burleson	Hollifield	Rabaut
Bush	Holland	Rains
Byrd	Holmes	Ray
Byrne, Ill.	Holt	Reece, Tenn.
Byrne, Pa.	Horan	Rees, Kans.
Byrnes, Wis.	Hosmer	Reuss
Canfield	Huddleston	Rhodes, Ariz.
Cannon	Hull	Rhodes, Pa.
Carnahan	Hyde	Riehlman
Carrigg	Ikard	Roberts
Cederberg	Jackson	Robison, Ky.
Chamberlain	James	Rodino
Chenoweth	Jarman	Rogers, Colo.
Chiperfield	Jenkins	Rogers, Fla.
Chudoff	Jennings	Rogers, Mass.
Church	Jensen	Rogers, Tex.
Clark	Johnson	Rooney
Clevenger	Jonas	Roosevelt
Coad	Jones, Ala.	Rutherford
Coffin	Jones, Mo.	Sadlak
Cole	Judd	Santangelo
Collier	Karsten	Saund
Colmer	Kean	Saylor
Cooper	Keating	Schenck
Corbett	Kee	Scherer
Cramer	Keeney	Schwengel
Cretella	Kelley, Pa.	Scott, N. C.
Cunningham,	Kelly, N. Y.	Scott, Pa.
Icwa	Keogh	Scudder
Cunningham,	Kilburn	Seely-Brown
Nebr.	Kilday	Sheehan
Curtin	Kilgore	Sheppard
Curtis, Mass.	King	Shelley
Curtis, Mo.	Knox	Sieminski
Dague	Krueger	Sikes
Dawson, Utah	Laird	Siler
Delaney	Lane	Simpson, Ill.
Dennison	Lankford	Simpson, Pa.
Denton	Latham	Sisk
Derounian	LeCompte	Smith, Calif.
Devereux	Lesinski	Smith, Kans.
Dingell	Lipscomb	Smith, Miss.
Dixon	Long	Smith, Wis.
Dollinger	Loser	Spence
Donohue	McCarthy	Springer
Dooley	McCormack	Staggers
Dorn, N. Y.	McCulloch	Stauffer
Doyle	McDonough	Sullivan
Durham	McFall	Taber
Dwyer	McGovern	Talle
Edmondson	McGregor	Teague, Calif.
Elliott	McIntire	Tewes
Engle	McIntosh	Thomas
Fallon	McVey	Thompson, La.
Farbstain	Macdonald	Thomson, Wyo.
Fascell	Mack, Ill.	Tollefson
Feighan	Mack, Wash.	Trimble
Fenton	Madden	Tuck
Fino	Magnuson	Udall
Fisher	Mahon	Ullman
Flood	Marshall	Utt
Fogarty	Martin	Vanik
Forand	May	Van Pelt
Ford	Morrow	Van Zandt
Fountain	Metcalf	Vorys
Frazier	Michel	Vursell
Frelinghuysen	Miller, Calif.	Walter
Friedel	Miller, Md.	Watts
Fulton	Miller, Nebr.	Weaver
Garmatz	Miller, N. Y.	Westland
Gary	Mills	Widnall
Gathings	Minshall	Wigglesworth
Gavin	Montoya	Williams, N. Y.
George	Mocre	Willis
Granahan	Morano	Wilson, Calif.
Grant	Morgan	Wilson, Ind.
Gray	Morris	Withrow
Green, Oreg.	Moss	Wright
Green, Pa.	Moulder	Yates
Griffin	Mumma	Young
Griffiths	Murray	Younger
Gubser	Natcher	Zablocki
Gwinn	Neal	Zelenko
Hagen	Nicholson	
Hale	Nimtzt	

## NOT VOTING—53

Allen, Calif.	Dempsey	O'Konski
Anderson,	Diggs	Osmer
Mont.	Eberhart	Powell
Bailey	Gordon	Radwan
Baker	Gregory	Reed
Barrett	Holtzman	Scrivner
Beamer	Kearney	Smith, Va.
Blitch	Kearns	Steed
Boland	Kirwan	Taylor
Bowler	Kluczynski	Teague, Tex.
Boykin	Knutson	Teller
Breeding	McConnell	Thompson, N. J.
Buckley	Machrowicz	Thompson, Tex.
Celler	Mailliard	Thornberry
Coudert	Mason	Vinson
Davis, Tenn.	Morrison	Wainwright
Dawson, Ill.	Multer	Wharton
Dellay	O'Hara, Minn.	Wolverton

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Holtzman with Mr. Wolverton.  
 Mr. Dawson of Illinois with Mr. Taylor.  
 Mr. Teller with Mr. Kearns.  
 Mr. Thornberry with Mr. Coudert.  
 Mr. Bailey with Mr. McConnell.  
 Mr. Thompson of New Jersey with Mr. Mason.  
 Mrs. Blitch with Mr. Reed.  
 Mrs. Knutson with Mr. Dellay.  
 Mr. Celler with Mr. Mailliard.  
 Mr. Multer with Mr. Radwan.  
 Mr. Gordon with Mr. O'Hara of Minnesota.  
 Mr. Kirwan with Mr. Osmer.  
 Mr. Buckley with Mr. Wainwright.  
 Mr. Kluczynski with Mr. Scrivner.  
 Mr. Machrowicz with Mr. Kearney.  
 Mr. Morrison with Mr. Wharton.  
 Mr. Powell with Mr. O'Konski.  
 Mr. Barrett with Mr. Allen of California.  
 Mr. Boykin with Mr. Baker.  
 Mr. Boland with Mr. Beamer.

Mr. DAWSON of Utah changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1791) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959, which is similar to the bill just passed.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That subsection (b) of section 5 of the Reorganization Act of 1949 (63 Stat. 205), as amended by the act of February 11, 1953 (67 Stat. 4) and the act of March 25, 1955 (69 Stat. 14), is hereby further amended by striking out "June 1, 1957" and inserting in lieu thereof "June 1, 1959."

Mr. FASCELL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FASCELL: Strike out all after the enacting clause and insert the provisions of H. R. 8364 as it passed the House.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The proceedings by which the House bill (H. R. 8364) was passed were vacated, and that bill was laid on the table.

## ATOMIC ENERGY COMMISSION

Mr. DURHAM. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1918) to amend Public Law 31, 84th Congress, 1st session, to increase the authorization for appropriation to the Atomic Energy Commission for the construction of a modern office building in or near the District of Columbia to serve as its principal office.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That Public Law 31, 84th Congress, 1st session, is hereby amended, by striking the figure "\$10,000,000" and inserting in lieu thereof the figure "\$13,300,000."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill was laid on the table.

## AUTHORIZATION TO ACCEPT AND WEAR CERTAIN AWARDS

Mr. MCCORMACK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8633) to authorize the Honorable WAYNE L. HAYS, the Honorable WALTER H. JUDD, the Honorable JOHN J. ROONEY, and the Honorable JOHN TABER, Members of the House of Representatives, to accept and wear the award of the Cross of Grand Commander of the Royal Order of the Phoenix, tendered by the Government of the Kingdom of Greece.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Honorable WAYNE L. HAYS, Representative from the State of Ohio, the Honorable WALTER H. JUDD, Representative from the State of Minnesota, the Honorable JOHN J. ROONEY, Representative from the State of New York, and the Honorable JOHN TABER, Representative from the State of New York, are authorized to accept the award of the Cross of Grand Commander of the Royal Order of the Phoenix, together with any decorations and documents evidencing such award. The Department of State is authorized to deliver to the Honorable WAYNE L. HAYS, the Honorable WALTER H. JUDD, the Honorable JOHN J. ROONEY, and the Honorable JOHN TABER any such decorations and documents evidencing such award.

SEC. 2. Notwithstanding section 2 of the act of January 31, 1881 (ch. 32, 21 Stat. 604;



5 U. S. C. 114), or other provision of law to the contrary, the named recipients may wear and display the aforementioned decoration after acceptance thereof.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

#### PHILIPPINE INDEPENDENCE DAY

(Mr. BROOKS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOKS of Texas. Mr. Speaker, when the House approved S. 1141 on July 1 we had in mind a suggestion of Gen. Carlos P. Romulo, Philippine Ambassador to the United States, that Congress approve this legislation in time for the Filipino people's celebration of their own Independence Day—July 4.

General Romulo, in an extraordinary appearance before a congressional committee, testified at a hearing of the Subcommittee on General Government Activities that his people would appreciate the fact that the donation of the Philippine records mentioned in the bill coincided with the Independence Day celebrations of both our countries. The Independence of the Filipino people is commemorated on July 4, General Romulo stated, "in grateful recognition of the part played by the United States in giving the Filipino people the opportunity to earn their independence."

This gesture on our part was so well received in the Philippines that the President of our fellow democracy, His Excellency Carlos P. Garcia, sent the following radiogram of appreciation to the White House:

The Filipino people join me in conveying to Your Excellency and to the United States Congress our deepest appreciation for the legislation handing back valuable historical documents and records seized during the Philippine Insurrection of 1898. Its signing on the eve of the anniversary of our national independence will be cherished by the Filipino people, especially by our historians and scholars who are now provided with a veritable source of historical materials. This is indeed another manifestation of the cordial relations existing between our two countries.

In a second message sent by President Garcia on July 4—the 11th anniversary of Philippine independence—he said:

Cemented with such special kind of friendship which heretofore never existed between two nations, the American and Filipino peoples rise today in observance of their birth as free nationals to enjoy the blessings of democracy and freedom under which ideals they fought side by side in times of peace and war.

Mr. Speaker, from these two messages from the President of the Philippine Republic, we may all conclude that the Filipinos are a grateful people dedicated to the cause of freedom. And I believe it is also clearly apparent that their representative to the United States, General Romulo, has kept them well informed of our work and abiding interest in the Philippine Republic as well as doing a singularly outstanding job in conveying to us the sentiments of his people.

It is indeed fortunate for both our countries that we have such a splendid and able representative of the Philippines to speak for his people in the United States.

#### PROGRAM FOR TOMORROW

(Mrs. ROGERS of Massachusetts asked and was given permission to address the House for 1 minute.)

Mrs. ROGERS of Massachusetts. Mr. Speaker, I have asked for this time in order to ask the majority leader about the program for tomorrow.

Mr. McCORMACK. The first order of business will be H. R. 4520, relating to the permanent certification of air carriers operating between the United States and Alaska.

The next order of business is the bill H. R. 72, in which the gentlewoman from Massachusetts is interested.

Mrs. ROGERS of Massachusetts. That is a bill about which I am greatly troubled. It would take away certain rights of fathers, mothers, grandchildren, brothers, and sisters, of certain veterans. I am very much worried about this bill.

Mr. McCORMACK. The next order of business is the bill H. R. 3753, extending loans to homesteaders and desert-land entrymen.

I am glad to give the gentlewoman the information either as leader of the Republican Party or in her individual capacity.

Mrs. ROGERS of Massachusetts. I thank the gentleman. He is helpful as always.

#### CORRECTION OF ROLL CALL

Mr. CHAMBERLAIN. Mr. Speaker, on roll call No. 135 on yesterday I am shown as having been absent and failing to answer to my name. I was present, and I ask unanimous consent that the RECORD and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### CONGRESS AND THE COURTS

(Mr. PHILBIN asked and was given permission to extend his remarks at this point.)

Mr. PHILBIN. Mr. Speaker, Members of Congress and the general public are understandably concerned by certain recent decisions of the Supreme Court bearing upon congressional investigations, the constitutionality of congressional enactments directed against communism and subversion, the general power of Congress to legislate and conduct inquiries in vital areas of Government, and opening the files of the FBI in criminal cases.

Several decisions of the Court have given rise to sharp controversy, differences of opinion and anxiety, not only in Congress, but in the bar and other well informed segments of the American public. These decisions have also touched upon such extremely vital and

crucial questions as the right of the several States to prohibit subversion, the right of local government agencies to select teachers in the public schools, the right of Congress to punish subversive activities in the Nation, and the right of Congress to investigate un-American, Communist activities. In the specific cases as decided, congressional enactments were nullified or limited, congressional investigations were criticized and checked, and the power of the States to legislate in certain fields heretofore recognized as legitimate subject matters for State legislative control was annulled. The FBI was allegedly shackled and the national security endangered.

I do not know of any Member of Congress who does not freely acknowledge the vital importance in our system of Government of the Supreme Court. As one of the three great coordinate branches of the Government this august and distinguished body is vested by the Constitution and the law with clearly expressed powers to interpret the Constitution and the laws of the United States. Historically, it has been a court of great dignity and great importance. Time and time again since the beginning of the Government it has laid down broad principles of law, equity and justice which have served in innumerable cases to provide stability and continuity to the Government and to protect the most sacred rights of the individual and the rights of minority groups as well as majority groups.

The power of Congress to investigate for the purpose of taking remedial legislative action has never been successfully questioned. For the most part, it has been the methods and procedures followed by congressional committees that the judicial branch had sought to check.

It is stated by the Court that "Congress has no power to expose for the sake of exposure," and I think no one would seriously challenge that statement. The point is that there is something more than "exposing" in these cases. Exposure is merely a necessary incident. There is, so Congress and the courts have found, a clear and present danger to the American system of government in the form of an intensive, well-organized, cleverly conducted scheme to destroy it, to replace it with Marxist communism. How in this situation can anyone contend that this Government does not have the power to protect itself from destruction, or that the Congress is prohibited, insofar as it can, from protecting the Government from destruction.

Informing the public is a necessary part of the legislative process, and that means exposing threatening national conditions to public scrutiny and examination so that public sentiment may be generated in support of appropriate remedial legislation. It is not possible for Congress or the American people to act intelligently on public questions without first being adequately informed as to the basis for changes in law or procedure necessary to cope with existing conditions. Some justification must be furnished for legislative and Congressional action, and there is no way by which this end can be achieved except







# Digest of CONGRESSIONAL PROCEEDINGS

## OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

Issued August 20, 1957  
For actions of August 19, 1957  
85th-1st, No. 150

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HIGHLIGHTS: (See Page 6.)

### SENATE

1. SUPPLEMENTAL APPROPRIATION BILL, 1958. Passed with amendments H.R. 9131, the supplemental appropriation bill for 1958. The committee amendments were adopted en bloc (pp. 13795-7). Agreed to an amendment by Sen. Williams (on behalf of himself and Sen. Humphrey) to provide \$3.5 million for poultry inspection to be effective upon enactment of S. 1747, the poultry inspection bill (p. 13832). Agreed to an amendment by Sen. Sparkman to provide \$300,000 for farm housing research to be conducted by the land-grant colleges through grants from the Housing and Home Finance Agency (p. 13832). Agreed to an amendment by Sen. Hayden to ratify obligations from this bill for the period from July 1, 1957 until enactment (p. 13797). Senate conferees were appointed. pp. 13794-7, 13808-29, 13832, 13833-7
2. POULTRY INSPECTION. Agreed to the conference report on S. 1747, the poultry inspection bill. This bill will now be sent to the President. pp. 13829-31
3. COMMITTEES; ACREAGE ALLOTMENTS; FEED GRAINS. The Agriculture and Forestry Committee reported the following bills:  
Without amendment, H.R. 8508, providing for the election of two county committees in certain counties (S. Rept. 1040);



With amendments, H.R. 8030, to eliminate the requirement that notice of intention not to plant the full acreage allotted must be filed with the county committee in order for a farmer to receive credit for future acreage allotment purposes (S. Rept. 1039); and

With amendment, H.R. 2486, to authorize CCC to grant relief with respect to claims arising out of deliveries of eligible surplus feed grains on ineligible dates in connection with purchase orders under the emergency feed program (S. Rept. 1041). p. 13760

4. DISASTER RELIEF; COTTON. The Agriculture and Forestry Committee ordered reported without amendment the following bills:

S. 304, to provide for a specific contribution by State governments to the cost of feed or seed furnished to farmers in disaster areas; and

S. 314, to assist the U. S. cotton textile industry in regaining its equitable share of the world market. p. D796

5. ACCOUNTING. Concurred in the House amendment to S. 1799, to change various legal provisions so as to facilitate the payment of Government checks. This bill will now be sent to the President. pp. 13794-5

6. ORGANIZATION. Senate conferees were appointed on S. 1791, to extend the Reorganization Act of 1949 to apply to reorganization plans submitted before June 1, 1959. House conferees have not been appointed. p. 13795

7. FARM PROGRAM. Sen. Humphrey inserted a letter from Leon Keyserling stating he had not advocated a reduction in the number of family-type farms and inserting a statement by the Conference on Economic Progress, "Statement in Answer to Misrepresentations About Full Prosperity For Agriculture." pp. 13801-3

8. REA LOANS. Sens. Carroll, Humphrey, Allott, Kefauver, Langer, and Chavez, discussed charges that REA loan authority has been transferred to the Office of the Secretary, and the request of the Government Operations Committee that Secretary Benson testify in response to such charges. Sen. Carroll inserted a news article, "Hamil's Authority Over REA Now Subjected to Review." pp. 13803-7

9. INTEREST RATES. Sen. Humphrey criticized the administration's policy on interest rates and inserted a letter from the Minn. School Board Ass'n urging a study of the high interest rates on school construction bonds and an article, "Ike Probe Asked of School Bond Charges." pp. 13798-9

Sens. Humphrey and Kerr discussed the administration's role in raising interest rates on loans, and criticized the Secretary of the Treasury for "flexing" interest rates up, and the Secretary of Agriculture for "flexing" prices of agricultural products down." pp. 13799-801

10. WATER RESOURCES. Concurred in the House amendments to S. 1556, granting consent to the Little Missouri River compact. This bill will now be sent to the President. p. 13803

11. HOUSING. Agreed to the conference report on H.R. 8240, the military housing construction authorization bill, including a provision for the use of foreign currencies acquired under Public Law 480, for the construction of military family housing units in foreign countries (pp. 13832-3). The House received the conference report but did not act upon it (H. Rept. 1193) (pp. 11873-82).



ther authorized to transfer, at appropriate intervals, from the accounts available for the payment of unpaid checks to the appropriate receipt account on the books of the Treasury any amounts not required for the payment of such checks and with the concurrence of the Comptroller General to make such rules and regulations as he may deem necessary or proper for the administration of the provisions of this act: *Provided*, That in the case of checks issued by the disbursing officers of the District of Columbia and the disbursing officer of the Corps of Engineers in reference to the disbursement of District funds, the Secretary of the Treasury is authorized to transfer, at appropriate intervals, from the accounts available for the payment of such unpaid checks, to the general revenues of the District of Columbia, any amounts not required for the payment of such checks: *Provided further*, That as to such checks issued on or before June 30, 1955, transfers to the general revenues of the District of Columbia shall be limited to the amount of undelivered checks."

SEC. 3. (a) Section 2 of the act of June 22, 1926 (44 Stat. 761; 31 U. S. C. 122), is hereby amended to read as follows:

"SEC. 2. Hereafter all claims on account of any check, checks, warrant, or warrants appearing from the records of the General Accounting Office or the Treasury Department to have been paid, shall be barred if not presented to the General Accounting Office or the Treasurer of the United States within 6 years after the date of issuance of the check, checks, warrant, or warrants involved. However, any claims for the proceeds of checks payable in Philippine pesos heretofore issued in payment of claims certified by the Philippine War Damage Commission, shall not be barred if received by the representative of the Chief Disbursing Officer, United States Treasury Department, at Manila, Republic of the Philippines, within 6 years after the date of issuance of such checks."

(b) Section 1 of the act of March 6, 1946 (60 Stat. 31; 31 U. S. C. 129), is hereby amended by inserting immediately after the words "General Accounting Office" the words "or the Treasurer of the United States."

SEC. 4. Subsection (a) of section 3646 of the Revised Statutes of the United States, as amended (31 U. S. C. 528 (a)), is hereby amended to read as follows:

"(a) Except as provided in this section, whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States is lost, stolen, or wholly or partly destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, the Secretary of the Treasury is authorized to issue to the owner or holder thereof against funds available for the payment of the original check a substitute showing such information as may be necessary to identify the original check, upon receipt and approval by the Secretary of the Treasury of an undertaking to indemnify the United States, in such form and amount and with such surety, sureties or security, if any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid: *Provided*, That nothing contained in this section shall be deemed to relieve any certifying officer or his sureties or any disbursing officer or his sureties of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check."

SEC. 5. (a) Subsection (c) of section 3646 of the Revised Statutes of the United States, as amended (31 U. S. C. 528 (c)), is further amended by deleting the phrase "prior to the expiration of 10 years from the date on which the original check was issued" and inserting in lieu thereof "prior to the close of the fiscal year next following the fiscal year in which the check was issued."

(b) Subsection (e) of section 3646 of the Revised Statutes of the United States, as amended (31 U. S. C. 528 (e)), is further amended by deleting the phrase "prior to the expiration of 10 years from the date on which the original check was issued."

(c) Subsection (f) of section 3646 of the Revised Statutes of the United States, as amended (61 Stat. 310; 31 U. S. C. 528 (f)), is further amended to read as follows:

"(f) Substitutes issued under this section drawn on the Treasurer of the United States shall be deemed to be original checks and payable under the same conditions as original checks."

SEC. 6. Section 2 of the act of July 11, 1947 (61 Stat. 309; 31 U. S. C. 133), and section 5 of the act of July 1, 1916, as amended (61 Stat. 309; 31 U. S. C. 154), are hereby repealed.

Mr. McCLELLAN. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

Mr. McCLELLAN. Mr. President, I ask that the Chair lay before the Senate the amendment of the House of Representatives to S. 1791.

#### AMENDMENT OF REORGANIZATION ACT OF 1949, AS AMENDED

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1791) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959, which was, to strike out all after the enacting clause and insert:

That subsection (b) of section 5 of the Reorganization Act of 1949 (63 Stat. 205; 5 U. S. C. 133 z-3), as last amended by the act of March 25, 1955 (69 Stat. 14), is hereby further amended by striking out "June 1, 1957" and inserting in lieu thereof "June 1, 1959."

SEC. 2. Subsection (a) of section 6 of the Reorganization Act of 1949 (63 Stat. 205; 5 U. S. C. 133 z-4) is amended by striking out "by the affirmative vote of a majority of the authorized membership of that House."

Mr. McCLELLAN. Mr. President, I move that the Senate disagree with the House amendment, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to; and the Presiding Officer appointed Mr. HUMPHREY, Mr. SYMINGTON, Mr. THURMOND, Mr. YARBOROUGH, Mrs. SMITH of Maine, Mr. MARTIN of Iowa, and Mr. CAPEHART conferees on the part of the Senate.

#### SUPPLEMENTAL APPROPRIATIONS, 1958

The Senate resumed the consideration of the bill (H. R. 9131) making supplemental appropriations for the fiscal year

ending June 30, 1958, and for other purposes.

Mr. HAYDEN. Mr. President, the committee considered budget estimates totaling \$1,973,767,827, which includes \$113,018,860 that was not considered by the House of Representatives.

The bill as reported by the Committee on Appropriations recommends appropriations totaling \$1,820,351,547 which is an increase of \$238,760,960 over the House bill, and a decrease of \$153,416,280 under the budget estimates.

Two items account for more than \$200 million of the increase over the House bill. They are, first, Small Business Administration, \$100 million. This estimate was not considered by the House; and second, military construction, \$104 million.

The action of the committee with respect to each appropriation is set forth in the report accompanying the bill.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc; that the bill, as thus amended, be regarded for purposes of amendment as the original text; and that no point of order shall be considered to have been waived by agreement to this request.

Mr. MONRONEY. Mr. President—  
The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Oklahoma?

Mr. HAYDEN. I yield.

Mr. MONRONEY. Would the Senator agree to a separate vote on the matter involving \$12,500,000?

Mr. HAYDEN. That may be done under the request I am making. I have no objection to that.

Mr. MONRONEY. Could we have a separate vote on the Burke Airport item?

Mr. HAYDEN. There can be no question about that. There would be no objection to that procedure.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Arizona? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

At the top of page 2, to insert:

#### "CHAPTER I

"DEPARTMENT OF AGRICULTURE

"Agricultural Research Service

"Salaries and Expenses

"Plant and animal disease and pest control

"For an additional amount for 'Salaries and Expenses', for 'plant and animal disease and pest control', \$5 million."

On page 2, after line 7, to insert:

"Agricultural conservation program service

"Emergency Conservation Measures

"For an additional amount for 'Emergency conservation measures', to be used for the same purposes and subject to the same conditions as the funds appropriated under this head in the Third Supplemental Appropriation Act, 1957, \$25 million."

On page 2, line 15, to change the chapter number from "I" to "II."

On page 3, after line 3, to insert:

"Coast and Geodetic Survey

"Construction of a Surveying Ship

"For an additional amount for 'Construction of a surveying ship', \$3,456,000, to remain available until expended."



On page 3, after line 7, to insert:

"Bureau of Public Roads  
"Public Lands Highways

"Liquidation of contract authorization

"For payment of obligations incurred pursuant to the contract authorization granted by section 6 of the Federal-aid Highway Act of 1954 (68 Stat. 73) and section 106 of the Federal-Aid Highway Act of 1956 (70 Stat. 376), to remain available until expended, \$1,533,000, which sum is composed of \$225,000, the balance of the amount authorized to be appropriated for the fiscal year 1957, and \$1,308,000, a part of the amount authorized to be appropriated for the fiscal year 1958."

On page 3, after line 19, to insert:

"Weather Bureau

"Salaries and Expenses

"For an additional amount for 'Salaries and expenses', \$372,100."

At the top of page 4, to insert:

"THE PANAMA CANAL

"Panama Canal Company

"Panama Canal Bridge

"For expenses necessary for work preliminary to the construction of a high-level bridge across the Panama Canal at Balboa, Canal Zone, as authorized by the act of July 23, 1956 (70 Stat. 596), \$1,000,000, to remain available until expended."

On page 4, after line 8, to insert:

"INDEPENDENT AGENCIES

"Advisory Committee on Weather Control  
"To complete its final report to the President and the Congress as provided by law, \$175,000: *Provided, however,* That the Committee shall complete its report and terminate its activities by December 31, 1957, and turn its records over to the National Science Foundation, together with any unexpended balances."

On page 4, after line 16, to insert:

"Small Business Administration

"Salaries and Expenses

"For necessary expenses, not otherwise provided for, of the Small Business Administration, including expenses of attendance at meetings concerned with the purposes of this appropriation and hire of passenger motor vehicles, \$2,570,000; and in addition there may be transferred to this appropriation not to exceed \$8,590,000 from the revolving fund, Small Business Administration, and not to exceed \$490,000 from the fund for liquidation of Reconstruction Finance Corporation disaster loans, Small Business Administration, for administrative expenses in connection with activities financed under said funds: *Provided,* That the amount authorized for transfer from the revolving fund, Small Business Administration, may be increased, with the approval of the Bureau of the Budget, by such amount as may be required to finance administrative expenses incurred in the making of disaster loans: *Provided further,* That 10 percent of the amount authorized to be transferred from the revolving fund, Small Business Administration, shall be placed in reserve to be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended, only in such amounts and at such times as may become necessary to carry out the business loan program."

On page 5, after line 18, to insert:

"Revolving Fund

"For additional capital for the revolving fund authorized by the Small Business Act of 1953, as amended, to be available without fiscal year limitations, \$100,000,000."

On page 6, line 1, to change the chapter number from "II" to "III."

Under the heading "Department of Defense—Military Functions—Department of the Army—Military Construction, Army" on page 7, line 11, after the word "expended", to strike out "\$305,000,000" and insert "\$315,000,000."

Under the subhead "Military Construction—Army Reserve Forces", on page 7, line 23, after the word "vehicles" to strike out "\$46,000,000" and insert "\$55,000,000."

Under the subhead "Department of the Navy—Military Construction, Navy", on page 8, line 17, to strike out "\$265,000,000" and insert "\$300,000,000."

Under the subhead "Department of the Air Force—Military Construction, Air Force", on page 9, line 10, after the word "expended", to strike out "\$900,000,000" and insert "\$950,000,000."

Under the subhead "General Provisions", on page 9, line 12, to change the section number from "201" to "301."

On page 9, line 17, to change the section number from "202" to "302."

On page 9, line 23, to change the section number from "203" to "303."

On page 10, line 8, to change the section number from "204" to "304."

On page 10, line 16, to change the section number from "205" to "305."

On page 10, line 22, to change the section number from "206" to "306."

On page 11, line 5, to change the section number from "207" to "307."

On page 11, line 13, to change the section number from "208" to "308."

On page 11, line 21, to change the section number from "209" to "309."

On page 12, line 3, to change the section number from "210" to "310."

On page 12, line 11, to change the section number from "211" to "311."

On page 12, after line 13, to insert a new section, as follows:

"Sec. 312. The Secretary of Defense is hereby authorized to transfer to the 'Air Force industrial fund' not to exceed \$100 million from appropriations to the Department of Defense available for obligation during the fiscal year 1958."

On page 12, after line 18, to insert a new section, as follows:

"Sec. 313. Section 612 of the Department of Defense Appropriation Act of 1958, Public Law 117, approved August 2, 1957, is amended by deleting the figures '\$41,000,000' in the first line and inserting in lieu thereof '\$45,000,000'."

On page 12, after line 23, to insert a new section, as follows:

"Sec. 314. The General Counsel of the Department of Defense shall be paid at the rate prescribed by Reorganization Plan No. 6 approved June 30, 1953 (67 Stat. 638)."

On page 13, line 3, to change the chapter number from "III" to "IV."

Under the heading "Department of Defense—Civil Functions—Department of the Army—Administration, Ryukyu Islands", on page 13, line 25, after the word "appropriation", to strike out "\$2,410,000" and insert "\$2,475,000", and on page 14, line 1, after the word "exceed", to strike out "\$1,340,000" and insert "\$1,405,000."

On page 15, after line 13, to insert:

"Construction of Power Systems, Ryukyu Islands

"For necessary expenses of construction, installation, and equipment of electric power systems in the Ryukyu Islands, which shall be operated by the Ryukyu Electric Power Corporation, an instrumentality of the United States Civil Administration of the Ryukyu Islands; services as authorized by section 15 of the act of August 2, 1916 (5 U. S. C. 55a), at rates not in excess of \$50 a day for individuals; hire of passenger motor vehicles and hire of aircraft; \$1,513,000 to remain available until expended, without regard to sections 355 and 3734 of the Revised Statutes, as amended, and title 10, United States Code, section 4774."

On page 17, line 13, to change the chapter number from "IV" to "V."

Under the heading "Independent Offices—General Services Administration", on page 17, after line 21, to insert:

"Hospital Facilities in the District of Columbia

"For an additional amount for expenses necessary in carrying out the provisions of the act of August 7, 1946 (60 Stat. 896), as amended, authorizing the establishment of a hospital center in the District of Columbia, including grants to private agencies for hospital facilities in said District, \$290,000, to remain available until expended: *Provided,* That the limitation under this head in the act of July 15, 1952 (66 Stat. 644), as amended, on the total amount to be provided for completion of grant projects, is increased from \$13,010,000 to \$13,300,000."

On page 18, line 20, to change the chapter number from "V" to "VI."

Under the heading "Department of the Interior", on page 18, after line 21, to insert:

"Bureau of Land Management

"Construction

"Not to exceed \$1,423 of the funds available to the Bureau of Land Management from definite annual appropriations shall be available for reimbursing the city of Monticello, Utah, for the cost of improvements to streets and appurtenant facilities adjoining property under the jurisdiction of the Bureau of Land Management."

Under the subhead "Bureau of Indian Affairs—Resources Management", on page 19, line 10, after the word "exceed" to strike out "\$118,000" and insert "\$169,000", and in line 12, after the word "basis", to insert a colon and the following proviso:

"*Provided,* That the Secretary of the Interior is authorized to expend income received from leases on lands on the Colorado River Indian Reservation (southern and northern reserves) for the benefit of the Colorado River Indian Tribes and their members during the current fiscal year, or until beneficial ownership of the lands has been determined if such determination is made during the current fiscal year."

Under the subhead "Commission for a National Cultural Center—Salaries and Expenses", on page 20, at the beginning of line 6, to strike out "The" and insert "Not to exceed 12,000 of the."

On page 20, after line 14, to insert:

"DEPARTMENT OF AGRICULTURE

"Forest Service

"Forest Land Management: During the current fiscal year not to exceed \$50,000 of the funds appropriated under this heading shall be available for the acquisition of sites authorized by the act of March 3, 1925, as amended (16 U. S. C. 555), without regard to any other limitation on the amount available for this purpose."

At the top of page 21, to insert:

"CHAPTER VII"

"DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

"Public Health Service

"Communicable Diseases

"Communicable diseases: For an additional amount for 'Communicable diseases', for emergency measures necessary for the further prevention and control of a threatened or actual epidemic of influenza, \$800,000: *Provided,* That \$2 million may be transferred from funds appropriated for disaster relief pursuant to the act of September 30, 1950, chapter 1125, section 8 (64 Stat. 1109), for the purposes specified in this paragraph, including the purchase, without regard to section 3709 of the revised statutes, and distribution of supplies and materials for prevention and control and grants to States of money and medical supplies and materials, upon a finding by the Secretary of Health, Education, and Welfare, upon the









# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

Issued August 22, 1957  
For actions of August 21, 1957  
85th-1st, No. 152

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HIGHLIGHTS: House agreed to conference report on supplemental appropriation bill. House Commerce subcommittee ordered reported bill to transfer certain work under Packers and Stockyards Act to FTC. Senate committee ordered reported water resources conservation resolution. Sen. Morton inserted, and Sen. Humphrey criticized, REA loan portion of Secretary's press conference.

## HOUSE

1. SUPPLEMENTAL APPROPRIATION BILL FOR 1958. Agreed to, and sent to the Senate, the conference report on this bill, H.R. 9131. (pp. 14145-57) As agreed to the bill provides \$4 million for ARS for eradication of screwworms and fireants (instead of \$5 million as proposed by the Senate), \$1,300,000 for poultry inspection (instead of \$3.5 million as proposed by the Senate), \$20 million for ACPS for emergency conservation measures (instead of \$25 million as proposed by the Senate), not to exceed \$50,000 of the funds appropriated for forest land management in 1958 for the acquisition of sites for buildings outside the national forests, and \$75,000 (instead of \$150,000 as proposed by the Senate) for farm housing research by the land grant colleges under the Housing Act of 1957. It includes \$100,000 (instead of \$150,000 as proposed by the Senate) for the Advisory Committee on Weather Control to complete its final report by Dec. 31, 1957, \$15,000,000 for the President's disaster relief fund, \$13,317,000 for TVA, and various amounts for claims. It provides that appropriations, authorizations, and authority provided in the bill shall be available from July 1, 1957, for the purposes provided, and all obligations incurred between June 30, 1957, and the date of enactment of the bill in anticipation of the appropriations, authorizations, and authority are so authorized.



2. MONOPOLIES; MEATPACKERS. A subcommittee of the ~~Interstate and Foreign~~ Commerce Committee ordered reported with amendment H.R. 5282, to transfer certain work under the Packers and Stockyards Act to the Federal Trade Commission. p. D813
3. ORGANIZATION. Conferees were appointed on S. 1791, to extend the Reorganization Act of 1949 to apply to reorganization plans submitted before June 1, 1959 (p. 14145). Senate conferees were appointed Aug. 19.
4. FORESTRY. Passed as reported H.R. 7900, to authorize the Secretary to sell certain Title III Bankhead-Jones lands in Mich. to private individuals. p. 14145
5. ATOMIC ENERGY. Passed with amendment, H.R. 9379, making appropriations for the AEC for 1958. (pp. 14158-67) The bill had been reported by the Appropriations Committee earlier (H. Rept. 1217) (p. 14183).
6. HOUSING. Agreed to the Senate amendment to the House amendment to the Senate amendment to H.R. 4602, to encourage new residential construction for veterans' housing in rural areas and small cities and towns by raising the maximum amount in which direct loans may be made from \$10,000 to \$13,500. (pp. 14171-72) This bill will now be sent to the President.  
The Ways and Means Committee reported without amendment H.R. 9057, to amend the Internal Revenue Code so as to provide for amortization deductions with respect to housing facilities for farm workers (H. Rept. 1215). p. 14183
7. PERSONNEL. The Post Office and Civil Service Committee reported without amendment H.Con.Res. 175, proposing a code of ethics for the Government service (H. Rept. 1208), and with amendment H.R. 607, to increase the annuities payable to retired employees from the civil service retirement fund (H. Rept. 1211). p. 14182
8. RICE; FISHERIES. The Merchant Marine and Fisheries Committee reported with amendment S. 1552, to authorize Interior to establish a program for the purpose of carrying on research and experimentation to develop methods for the commercial production of fish on flooded rice acreage in rotation with rice field crops (H. Rept. 1212). p. 14182
9. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment S. 1996, to approve the contract negotiated with the Casper-Alcova Irrigation District, and to provide that the excess-land provisions of the reclamation laws shall not apply to the lands of the Kendrick project, Wyo. (H. Rept. 1214). p. 14183
10. ELECTRIFICATION. Rep. Bow defended the rapid amortization program for the electric power industry, stating that recent attacks on the program were "based on distortion and falsehood." pp. 14173-78
11. FOREIGN AID. Rep. Smith, Wisc., urged that recent cuts in foreign aid program appropriations be sustained, and stated that "the truth is that the American people are not sold on the program." p. 14178
12. LEGISLATIVE PROGRAM. Rep. Albert announced that the Private Calendar will be called today, Aug. 22. pp. 14167-68



SEC. 3. If the conditions described in section 2 are not met within 6 months of the date of enactment of this act, the Secretary of the Navy may dispose of the U. S. S. *Enterprise* in accordance with law.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### CONVEYANCE OF FISSIONABLE MATERIAL

Mr. BROOKS of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 8005) to provide for the conveyance of an interest of the United States in and to fissionable materials in a tract of land in the county of Cook, and State of Illinois, with Senate amendments thereto and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, after line 5, insert:

"SEC. 2. The Administrator of General Services is authorized and directed to convey by quitclaim deed to the city of Kearney, a municipal corporation of the county of Buffalo and State of Nebraska, all of the right, title, and interest of the United States in and to uranium, thorium, and other materials determined pursuant to section 5 (b) (1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material, contained in the tract of land in the county of Buffalo, State of Nebraska, which was conveyed by quitclaim deed from the United States of America to the city of Kearney, recorded on June 15, 1950, at book 151, page 47, in the deed records of Buffalo County, Nebr. (said deed having been issued by Deputy Regional Director, Liquidation Service, General Services Administration, Office of Real Property Disposal, on behalf of the Administrator of General Services in the name of United States of America)."

Amend the title so as to read: "An act to provide for the conveyance of interests of the United States in and to fissionable materials in certain tracts of land situated in Cook County, Ill., and in Buffalo County, Nebr."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MARTIN. Mr. Speaker, reserving the right to object, will the gentleman explain the amendments?

Mr. BROOKS of Texas. I would be delighted to. The amendment was put on the bill by the other body and provides that certain fissionable material reservations be reserved to the city of Kearney. The same matter was taken up in the original bill and, as the gentleman will recall, I talked with him yesterday about it and with the senior Republican member on the subcommittee that handled it, the gentleman from Connecticut [Mr. MAY].

Mr. MARTIN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

#### AMENDING REORGANIZATION ACT OF 1949

Mr. BROOKS of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1791) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959, with amendments of the House thereto, insist on the amendment of the House and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. DAWSON of Illinois, CHUDOFF, BROOKS of Texas, MOSS, HARDEN, BROWN of Ohio, and MICHEL.

#### DISTRICT OF COLUMBIA STADIUM

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1937) to authorize the construction, maintenance, and operation by the Armory Board of the District of Columbia of a stadium in the District of Columbia, and for other purposes, with amendments of the Senate thereto, further disagree to the Senate amendments and ask for a further conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. McMILLAN, HARRIS, TEAGUE of Texas, SIMPSON of Illinois, and O'HARA of Minnesota.

#### PERMITTING SALE OF LAND IN OTTAWA COUNTY, MICH.

Mr. FORD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7900) to permit the Secretary of Agriculture to sell to individuals, land in Ottawa County, Mich., which was acquired pursuant to the provisions of title III of the Bankhead-Jones Farm Tenant Act.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That (a) the Secretary of Agriculture may sell to individuals such real property in Ottawa County, Mich., as (1) was acquired by him pursuant to the provisions of section 32 of the Bankhead-Jones Farm Tenant Act (7 U. S. C. 1011), (2) is being administered by him, and (3) he determines is not needed for public purposes and is suitable for private ownership.

(b) The Secretary of Agriculture shall sell real property which is sold pursuant to the provisions of subsection (a) at a price which he determines to be the market value subject to such terms and conditions as he may prescribe. Such terms and conditions shall be prescribed by the Secretary of Agriculture in light of guidance and recommendations received by him in consultation with the Ottawa County Board of Supervisors and the West Ottawa Soil Conservation District of Ottawa County, Mich.

With the following committee amendment:

Page 2, beginning with line 3, strike out all the rest of subsection (b) and insert "to the highest responsible bidder but at not less than the fair market price thereof as determined by him and in such parcels and subject to such terms and conditions as he may prescribe."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### SUBCOMMITTEE OF COMMITTEE ON ARMED SERVICES

Mr. HEBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee of the Committee on Armed Services may have permission to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

#### SUPPLEMENTAL APPROPRIATION BILL, 1958

The SPEAKER. The Chair recognizes the gentleman from Missouri [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I call up the conference report on the bill (H. R. 9131) making supplemental appropriations for the fiscal year ending June 30, 1958, and for other purposes, and I ask unanimous consent that the statement on the part of the managers be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House August 20, 1957.)

Mr. CANNON. Mr. Speaker, I think there is nothing controversial in this conference report. There are, in addition to the report, 28 amendments in technical disagreement. That is, under the rules the conferees are required to bring them back to be voted upon separately, and they will come up immediately following adoption of the conference report.

I might say, by way of summary, Mr. Speaker, that the estimates which came to us from the Bureau of the Budget aggregated \$1,860,748,967.

We made a material reduction in those estimates in the committee, and the bill as it passed the House carried only \$1,581,590,587. In the other body estimates aggregated even more, reaching \$1,972,767,827. As passed by the Senate the bill aggregated \$1,824,001,547. The conference agreed to \$1,734,011,947.

As compared with the Senate estimates the conference was \$238,755,880 below. As compared with the House bill it was \$152,421,360 above, and compared with the Senate bill it was \$89,989,600 below.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from Iowa.



Mr. GROSS. Will the gentleman again state, for the benefit of the gentleman from Iowa and the Members of the House, the difference between the figures of the House bill and the Senate bill and whether or not the figure arrived at in the conference is higher or lower than the bill which the House originally approved?

Mr. CANNON. The bill as passed by the House was much lower than the estimates. The House bill carried \$1,581,590,587. The other body, however, had a greater amount of estimates, \$1,972,767,827, and passed it at \$1,824,001,547, which was still less than the estimate but more than the House bill. I trust that answers the gentleman's question.

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, it did not take very long, only 48 hours, for the other body to run up this bill from \$1,581,000,000 to \$1,824,000,000.

The bill which comes from the conference is \$89,989,600 below the Senate bill. It is above the House bill by \$152 million, approximately.

I have no objection to this conference report. There are some pretty big items in it, but it is the best that could be done under the circumstances.

Mr. GROSS. Mr. Speaker, will the gentleman yield in order that I may make a suggestion to the chairman of the Committee on Appropriations?

Mr. TABER. I yield to the gentleman from Iowa.

Mr. GROSS. If I may have the attention of the chairman of the Appropriations Committee, Mr. CANNON, I would like to suggest that in the next session of Congress all conference reports—on which we get all too little information—come to the House with a table showing as did the conference report on H. R. 7665, the Defense Department appropriation bill, the changes that are made. That ought to be comparatively easy to provide.

I suggest to the gentleman that next year the Appropriations Committee try to accompany every report with this kind of table so that all Members of the House can readily see the changes that have been made in the bill as to total amounts and the various purposes for which appropriated.

Mr. CANNON. As the gentleman is aware, these conference reports are customarily in stereotyped form. It has never been the practice to show those figures in the conference report for the reason that they are in the bill itself.

Mr. TABER. There are two items in disagreement, one with reference to the Burke Air port and one with reference to a channel in the Columbia River running into The Dalles. I shall oppose them as they are reached, but as far as the conference report itself is concerned, I am not opposed to that.

Mr. CANNON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

Mr. CANNON. Mr. Speaker, of the 28 amendments remaining, I shall ask unanimous consent that we consider en bloc those that are purely formal and upon which there is no difference of opinion. I ask unanimous consent that the following amendments be considered en bloc: Nos. 8, 15, 34, 43, 45, 47, 49, 50, 58, 64, 72, and 75.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ROONEY. Mr. Speaker, I urge adoption of the pending motion of the distinguished gentleman from Missouri [Mr. CANNON] particularly since the House would thereby recede and concur in amendment in disagreement No. 58 which concerns the sum \$3,525,000 for the purchase of Israeli pounds for educational, scientific, and cultural activities in the State of Israel. The other body added to the House appropriation a proviso "that this amount shall be used for purchase of foreign currencies from the special account for the informational media guaranty program, at rates of exchange determined by the Treasury Department, but in no event at a higher rate per unit than the free world market value of the currency purchased, and the amounts of any such purchases shall be covered into miscellaneous receipts of the Treasury."

I have been advised this morning that the Department of State and the Treasury Department feel that with this language inserted by the other body including the words "but in no event at a higher rate per unit than the free world market value of the currency purchased" they will be able to effectively carry out the program as originally presented to the House Committee on Appropriations. The pending motion should be adopted.

The SPEAKER. The Clerk will report the Senate amendments.

Senate amendment No. 8: On page 3, after line 17, insert the following:

"BUREAU OF PUBLIC ROADS

"Public lands highways

"Liquidation of contract authorization

"For payment of obligations incurred pursuant to the contract authorization granted by section 6 of the Federal-Aid Highway Act of 1954 (68 Stat. 73) and section 106 of the Federal-Aid Highway Act of 1956 (70 Stat. 376), to remain available until expended, \$1,533,000, which sum is composed of \$225,000, the balance of the amount authorized to be appropriated for the fiscal year 1957, and \$1,308,000, a part of the amount authorized to be appropriated for the fiscal year 1958."

Senate amendment No. 15: Page 6, after line 2, insert the following:

"REVOLVING FUND

"For additional capital for the revolving fund authorized by the Small Business Act of 1953, as amended, to be available without fiscal year limitations, \$100,000,000."

Senate amendment No. 34: On page 13 after line 7 insert the following:

"Sec. 314. The General Counsel of the Department of Defense shall be paid at the rate prescribed by Reorganization Plan No. 6 approved June 30, 1953 (67 Stat. 638)."

Senate amendment No. 43: Page 19, after line 14, insert the following:

"BUREAU OF LAND MANAGEMENT

"Construction

"Not to exceed \$1,423 of the funds available to the Bureau of Land Management from definite annual appropriations shall be available for reimbursing the city of Monticello, Utah, for the cost of improvements to streets and appurtenant facilities adjoining property under the jurisdiction of the Bureau of Land Management."

Senate amendment No. 45: On page 20, line 9, after word "basis" insert a colon and the following: "Provided, That the Secretary of the Interior is authorized to expend income received from leases on lands on the Colorado River Indian Reservation (southern and northern reserves) for the benefit of the Colorado River Indian Tribes and their members during the current fiscal year, or until beneficial ownership of the lands has been determined if such determination is made during the current fiscal year."

Senate amendment No. 47: On page 21, after line 14, insert the following:

"DEPARTMENT OF AGRICULTURE

"Forest Service

"Forest land management: During the current fiscal year not to exceed \$50,000 of the funds appropriated under this heading shall be available for the acquisition of sites authorized by the act of March 3, 1925, as amended (16 U. S. C. 555), without regard to any other limitation on the amount available for this purpose."

Senate amendment No. 49: On page 22, after line 4, insert the following:

"COMMUNICABLE DISEASES

"Communicable diseases: For an additional amount for 'Communicable diseases', for emergency measures necessary for the further prevention and control of a threatened or actual epidemic of influenza, \$800,000: *Provided*, That \$2,000,000 may be transferred from funds appropriated for disaster relief pursuant to the act of September 30, 1950, chapter 1125, section 8 (64 Stat. 1109), for the purposes specified in this paragraph, including the purchase, without regard to section 3709 of the Revised Statutes, and distribution of supplies and materials for prevention and control and grants to States of money and medical supplies and materials, upon a finding by the Secretary of Health, Education, and Welfare, upon the recommendation of the Surgeon General and the National Advisory Health Council, that a threatened or actual epidemic of influenza constitutes an actual or potential health emergency of national significance."

Senate amendment No. 50: On page 22, after line 21, insert the following:

"HOSPITALS AND MEDICAL CARE

"The limitation under this head contained in the Third Supplemental Appropriation Act, 1957, for payments for medical care of dependents and retired personnel under the Dependents' Medical Care Act is increased by such sum or sums as may be necessary for the purpose."

Senate amendment No. 58: On page 25, line 9, after "\$3,525,000" insert a colon and the following: "Provided, That this amount shall be used for purchase of foreign currencies from the special account for the informational mediums guaranty program, at rates of exchange determined by the Treasury Department, but in no event at a higher rate per unit than the free world market value of the currency purchased, and the amounts of any such purchases shall be covered into miscellaneous receipts of the Treasury."

Senate amendment No. 64: On page 27, after line 19, insert the following:

"DEPARTMENT OF PUBLIC HEALTH

"Department of Public Health, amounts equal to the cost of medical services ren-







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

Issued September 3, 1957  
For actions of August 30, 1957  
85th-1st, No. 159

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**HIGHLIGHTS:** House agreed to conference report on mutual security appropriation bill. Both Houses agreed to conference report on bill to extend Reorganization Act. Senate passed bills to require State contributions to Federal disaster relief and to adjust dates for claims in emergency feed program. Sen. Neuberger objected to Budget Bureau expenditure reductions.

## HOUSE

1. **MUTUAL SECURITY APPROPRIATION BILL, 1958.** By a vote of 194-122, agreed to the conference report on this bill, H. R. 9302. This bill will now be sent to the President. pp. 15253-62
2. **FARM PROGRAM.** Rep. Christopher and others debated the farm program. pp. 15274-6
3. **PERSONNEL.** By a vote of 315 to 0, agreed to the conference report on S. 2377, to provide for production of statements and reports of witnesses in loyalty cases, etc. This bill will now be sent to the President. pp. 15248-53
4. **INTERGOVERNMENTAL RELATIONS.** Rep. Reuss inserted an appraisal of Federal-State-local relationships, by the American Municipal Association. pp. 15266-8
5. **APPROPRIATIONS.** Rep. Budge inserted a table showing Congressional action on appropriations for the 85th Congress, 1st Session. p. 15287
6. **ADJOURNED sine die.** p. 15290

## SENATE

7. **DISASTER RELIEF.** Passed without amendment S. 304, to require State contributions in connection with Federal disaster relief programs. pp. 15186, 15216-17
8. **BUDGET.** Sen. Neuberger objected to Budget Bureau procedures intended to result in reducing expenditures below the appropriation level, and inserted letters from the Budget Bureau and others on the matter. pp. 15099-101  
Sen. Byrd urged further reductions in expenditures. pp. 15204-5



9. BUILDINGS. Passed as reported S. 2533, to authorize GSA to lease space for Federal agencies for periods not exceeding 15 years. p. 15193
10. IMPORTS. Passed with amendments H. R. 7096, to amend the Tariff Act so as to permit duty-free importation of istle or Tampico fiber. Agreed to an amendment by Sen. Beall to permit duty-free importation of certain wool yarn. The House later concurred in the Senate amendments. This bill will now be sent to the President. pp. 15183-4, 15278
11. STATEHOOD. Received minority reports on S. 499 providing Alaska statehood, and S. 50, providing Hawaii statehood (S. Repts. 1163 and 1164, pt. 2). p. 15080
12. COTTON. Sen. Saltonstall said New England cotton textile mills are at a disadvantage, as compared with their competitors, because they must buy cotton at price-support levels. p. 15097
13. WATER RESOURCES. Sen. Johnson commended congressional actions for development of the Nation's water resources. p. 15112  
Johnson
14. LEGISLATIVE ACCOMPLISHMENTS. Sens./and Knowland summarized this year's congressional accomplishments. pp. 15112-51, 15246
15. TOBACCO. Sen. Cooper defended the tobacco price-support program. pp. 15160-5
16. COMMITTEE ASSIGNMENTS. Sen. Proxmire was assigned to the Small Business Committee, Banking and Currency Committee, and Post Office and Civil Service Committee. Sen. Monroney was excused from the Small Business Committee, Sen. Lausche from Banking and Currency, and Sen. Clark from Post Office and Civil Service. p. 15194
17. FORESTRY. Sen. Humphrey inserted and commended a recommendation by Rep. Blatnik for reforestation along the Federal highways. pp. 15209-10  
Passed without amendment H. R. 7900, to permit USDA to sell land in Ottawa County, Mich., which was acquired pursuant to Title III of the Bankhead-Jones Farm Tenant Act. This bill will now be sent to the President. p. 15193  
Passed without amendment H. R. 580, to authorize exchange with Missouri of certain land in the Clark and Mark Twain National Forests. This bill will now be sent to the President. p. 15197
18. REORGANIZATION. Both Houses agreed to the conference report on S. 1791, to extend the Reorganization Act of 1949 for two additional years, so as to apply to Presidential reorganization plans submitted before June 1, 1959. The final language of the bill also provides that a majority of those voting in either House (instead of a majority of the constituency of either House) may nullify a reorganization plan. This bill will now be sent to the President. pp. 15205, 15248
19. PERSONNEL. Sen. Humphrey recommended that the President sign the pay raise bills and inserted a Library of Congress analysis of pay raises for major officials in the last few years. pp. 15213-16
20. CCC CLAIMS. Passed with amendment H. R. 2486, to authorize CCC to grant relief with respect to claims arising out of certain deliveries of eligible surplus feed grains on ineligible dates in connection with purchase orders under its emergency feed program. The House later concurred in the amendment. This bill will now be sent to the President. pp. 15216, 15277, 15285-6



## EXTENSION OF REORGANIZATION ACT OF 1949

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AUGUST 30, 1957.—Ordered to be printed

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Mr. Brooks of Texas, from the committee of conference, submitted the following

### CONFERENCE REPORT

[To accompany S. 1791]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1791) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

WILLIAM L. DAWSON,  
EARL CHUDOFF,  
JACK E. BROOKS,  
JOHN E. MOSS, JR.,  
CLARENCE J. BROWN,  
ROBERT H. MICHEL,  
*Managers on the Part of the House.*  
HUBERT H. HUMPHREY,  
STUART SYMINGTON,  
RALPH W. YARBOROUGH,  
MARGARET CHASE SMITH,  
HOMER E. CAPEHART,  
*Managers on the Part of the Senate.*

## STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1791) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate bill amends subsection (b) of section 5 of the Reorganization Act of 1949, as amended, by striking out "June 1, 1957" and inserting in lieu thereof "June 1, 1959", thus extending the application of that act to reorganization plans transmitted to Congress before June 1, 1959. The House amendment also extends the application of the Reorganization Act of 1949 to June 1, 1959. In addition the House amendment adds a new section to the bill which would strike out of subsection (a) of section 6 of such act the words: ", by the affirmative vote of a majority of the authorized membership of that House,". This amendment would enable either House to prevent any reorganization plan which it disapproved from becoming effective by adopting, by a simple majority of those present and voting, a resolution stating in substance that that House does not favor the reorganization plan. The Senate recedes.

WILLIAM L. DAWSON,  
EARL CHUDOFF,  
JACK BROOKS,  
JOHN E. MOSS,  
CLARENCE J. BROWN,  
ROBERT H. MICHEL,

*Managers on the Part of the House.*





lieve determined executive control over spending agency activities can result in substantial expenditure reduction.

The President must exercise his authority to hold down expenditures, because reduction in current new appropriations does not affect the availability of balances carried over from prior years. These unexpended balances now total \$70 billion. This carryover combined with new appropriations makes approximately \$137 billion available in expenditure authorization for federal agencies.

With expenditures authorized in such an amount, the debt ceiling is the most effective expenditure curb remaining with Congress in the current situation. The terrible Federal debt is now bumping the \$275 billion statutory ceiling. To prevent deficit financing, along with other reasons, as chairman of the Senate Finance Committee, I shall oppose any increase in the debt limit short of dire national emergency after the President has exhausted all practicable means of spending control.

The President would be keeping faith with demand by the American public if he would require reduction in expenditures this year equal to the reduction in new spending authority, or more. The people have demonstrated their ability to translate their will into Federal action, and they can render themselves and their country good and patriotic service if, at this time, they will:

First. Communicate with the President and the Bureau of the Budget, demanding (a) further reductions in expenditures in the current fiscal year, and (b) reduction in new appropriations and expenditures in the budget, now in preparation, for delivery to Congress by the President in January; and

Second. Demand of their representatives in Congress continuing support of reductions in both expenditures and new appropriations.

The reaction in Washington to public demand last spring for budget reduction was unprecedented, especially in view of the President's opposition in many areas. The Appropriations Committees of Congress, in particular, are to be commended for their constructive work.

The committees achieved even greater reductions in appropriations under their jurisdiction than show in overall figures. Committee cuts were partially offset by increases in authority to spend out of the debt, which bypass appropriation control. The President asked for \$1.3 billion in this kind of expenditure authority, and the Congress enacted \$2.3 billion. Practically all of this increase was in Federal housing programs, the Federal National Mortgage Association in particular.

I hope the President will avoid a postal deficit and control expenditures in a manner to require the minimum of supplemental appropriations and get the budget to a level where we can begin to consider reduction in debt and taxes.

The people of this Nation are carrying a terrible burden of both debt and taxes. They deserve reduction in both. This requires expenditure reduction first. Appropriations have been cut. Expenditure reduction, under existing fiscal procedures, lies largely with the President.

## FACILITATION OF CONDUCT OF FISHING OPERATIONS IN ALASKA

Mr. MAGNUSON. Mr. President, on August 20, the Senate passed, and sent to the House of Representatives, a bill relating to the fishery operations in Alaska. That bill was Senate bill 2349.

Two days later—on August 22—the House of Representatives passed an identical measure, House bill 9280; and that bill has been sent to the Senate.

Of course, the House of Representatives usually passes a companion Senate bill, in case it has previously been passed by the Senate. I do not know why that procedure was not followed in this case.

Mr. President, it is most important that this House bill be acted on at this time, in view of the fact that the fishing season is now under way. I am told that the committee action on this measure was unanimous. It may be that an oversight occurred somewhere along the line.

At any rate, House bill 9280 has now been sent to the Senate. Since the Congress is about to adjourn, and inasmuch as the fishing season is under way, and inasmuch as the two bills are identical, I ask that the Chair lay House bill 9280 before the Senate.

The PRESIDING OFFICER laid before the Senate the bill (H. R. 9280) to facilitate the conduct of fishing operations in the Territory of Alaska, to promote the conservation of fishery resources thereof, and for other purposes, which was read twice by its title.

Mr. MAGNUSON. Mr. President, I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate proceeded to consider the bill.

Mr. MAGNUSON. Mr. President, I ask that the bill be passed.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H. R. 9280) was ordered to a third reading, read the third time, and passed.

## EXTENSION OF REORGANIZATION ACT OF 1949—CONFERENCE REPORT

Mr. HUMPHREY. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1791) to further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read, for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. HUMPHREY. Mr. President, I move that the Senate agree to the report.

The motion was agreed to.

Mr. HUMPHREY. Mr. President, I have a brief statement which I should like to have printed in the RECORD, in order to explain the provisions of the conference report. I ask unanimous consent that the statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### STATEMENT BY SENATOR HUMPHREY

The House of Representatives amended the bill to eliminate a present provision in the Reorganization Act requiring that, before a reorganization plan submitted to the Congress can be disapproved, a resolution of disapproval must be adopted "by the affirmative vote of a majority of the authorized membership of that House." The effect of the amendment is to require that a reorganization plan submitted by the President will take effect within 60 days after its submission, unless, before the expiration of such time, a resolution of disapproval has been passed by a simple majority of those present and voting in either the House or the Senate.

This amendment accords with the position taken by the Committee on Government Operations and by the Senate when the act was originally approved in 1949. At that time all exemptions of agencies from application of the act contained in prior reorganization acts were removed. It was the position of the Senate, in removing these exemptions and granting far wider powers to the President in submitting reorganization plans than previous acts had authorized, that a simple resolution of disapproval by either the House or the Senate would be sufficient to reject or disapprove any reorganization plans submitted by the President. This view was reiterated by the Committee on Government Operations when it reported the pending bill on May 29, 1957 (S. Rept. No. 386).

The provision repealed by the House amendment was originally inserted in the Reorganization Act of 1949 at the insistence of the House conferees, after the Senate conferees had unanimously supported retention of a provision for rejection of a plan by a simple majority vote of either House. The House amendment therefore conforms to the position taken by the Senate when the act was originally approved. I move that the Senate concur in the House amendments.

## LEGISLATIVE WORK OF THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE, 1ST SESSION, 85TH CONGRESS

Mr. HILL. Mr. President, as the 1st session of this 85th Congress draws to its close, it may be useful to review briefly some of the legislative work undertaken this year by the committee of which I have the honor to be chairman, the Committee on Labor and Public Welfare, so that Senators will be informed of the progress being made on several important measures which are likely to come before this body for consideration next year.

During this first session, our committee's members have devoted themselves primarily to essential preparatory research, hearings, and discussions on four major public questions embodied in bills pending before it:



First, how shall the integrity of billions of dollars' worth of employee welfare and pension plans be protected?

Second, should veterans of peacetime military service receive GI benefits, or readjustment assistance; and, if so, of what kind?

Third, should minimum-wage protection be extended to additional millions of employees not now covered under the Fair Labor Standards Act?

Fourth, how can retirement pensions and unemployment insurance for railroad workers be improved without overburdening either the employees or the carriers; and, even more important, how can the long-term actuarial stability of the railroad retirement fund be maintained?

Three standing subcommittees and one special subcommittee of the Committee on Labor and Public Welfare have conducted lengthy public hearings and held numerous executive discussions on the many problems raised by these major questions. The printed record of the hearings on these four topics will be available during the recess for all who may be interested in examining and evaluating it.

In addition to the many hours and days which have been devoted to studying these four major legislative questions, the committee has also taken action on a number of other measures, including several strongly recommended by the administration, which did not require such extensive deliberation, but which will, when enacted into law, be of great benefit to various groups of our people. Of those reported by the committee and approved by the Senate, I shall enumerate only a few:

We have initiated a new program of research and training of teachers for the million and one-half unfortunate children in this country who are mentally retarded or emotionally disturbed, and who, we believe, can be measurably helped to live more useful and happier lives. This legislation was highly recommended by the Department of Health, Education, and Welfare.

We have approved a bill to establish a library of films bearing captions like those of the old-fashioned silent movies. This library will be available to institutions, schools, or associations for deaf persons, for whom the advent of the sound film has meant a great loss in ability to understand and learn from moving pictures.

We reported a bill which, by restricting the application of the wage-hour law in foreign overseas bases, will relieve our Government of a potential liability for claims estimated at one-half a billion dollars. Approval of this measure was strongly urged by the Department of Defense. The bill also will result in raising the minimum wage in the American overseas areas of Guam and the Canal Zone to the \$1-an-hour minimum required since 1956 for other American workers by the Fair Labor Standards Act.

The committee reported a resolution, strongly recommended by the Department of Labor, which requires the Secretary of Labor to make available to the

public and the press the financial reports of labor unions, which now are merely filed with him under the Taft-Hartley Act.

We approved one additional year's extension of the Federal program to provide financial assistance for school construction in areas of the country suffering a heavy impact from Federal activities, such as defense installations and the like.

The committee has also reported a bill extending the provisions of the Vocational Rehabilitation Act under which private rehabilitation agencies may use for another year previously granted Federal funds, to help carry on their humanitarian work.

Of course, Mr. President, many other minor bills and numerous nominations were reported to the Senate. Among the important nominations ordered reported to the Senate, for confirmation, were those of James T. O'Connell, to be Under Secretary of Labor; Leroy E. Burney, to be Surgeon General; Lawrence G. Derthick, to be Commissioner of Education; Howard W. Habermeyer, to be a member of the Railroad Retirement Board; Joseph A. Jenkins, to be a member of the National Labor Relations Board; Jerome D. Fenton, to be General Counsel of the National Labor Relations Board; Katherine Brownell Oettinger, to be Chief of the Children's Bureau; Dr. Alan T. Waterman, to be Director of the National Science Foundation; Robert O. Boyd, to be a member of the National Mediation Board; James Gilhooley, to be Assistant Secretary of Labor; and 10 eminent persons, to be members of the Board of Regents of the new National Library of Medicine.

Mr. President, the members of the committee take great satisfaction from the fact that the Senate in its wisdom has given its approval to every bill, every resolution, and every nomination reported this session from the Committee on Labor and Public Welfare. The Calendar of the Senate, so far as this committee is concerned, has been cleared.

I wish to compliment all the members of the committee, both Republican and Democratic, for the earnest and faithful service they have performed in this session; and especially do I thank them for the splendid cooperation and unflinching courtesy they have shown me, as their chairman. The ranking majority member and distinguished former chairman of the committee, the senior Senator from Montana [Mr. MURRAY], has been, as always, a staunch friend of the people in whose behalf our committee seeks to legislate, and has been of unflinching assistance to his successor as chairman of the committee. The ranking minority member of the committee, the distinguished Senator from New Jersey [Mr. SMITH] has been, as always, a delightful and cooperative associate in our common efforts to guide the committee's business.

It should be pointed out, Mr. President, that four members of the Senate Labor Committee this year have been called upon to serve on another specially created committee dealing with

matters affecting the labor movement; I refer to the Select Committee To Investigate Improper Activities in Labor-Management Relations, generally known as the McClellan Committee. These four were Senators KENNEDY, McNAMARA, Ives, and GOLDWATER. They have carried on their work in that investigation, in addition to the responsibilities they have borne in our Committee.

I wish also to pay tribute to the chairman and members of the subcommittees of our committee for the care, diligence, and thoughtful attention they have given the major legislative proposals which were referred to their respective units for appropriate consideration and action.

I should like to mention particularly the work of the four subcommittees which carried the greatest burden this year:

A special seven-man Subcommittee on Welfare and Pension Plans Legislation was established this year, under the able chairmanship of Senator JOHN KENNEDY, to consider proposals designed to protect the millions of working people for whose benefit many billions of dollars have been, and are being, invested in pension and welfare programs. After extensive hearings and careful executive consideration, the special subcommittee on Monday of this week ordered reported to the full committee a bill requiring registration, reporting, and disclosure of these plans. Further consideration awaits the reconvening of Congress in January. Meanwhile, Senators will be able to study the record and reflect on the provisions of this highly important proposal relating to a vast and growing problem. Besides the chairman, the subcommittee is composed of Senators MURRAY, McNAMARA, MORSE, Ives, PURTELL, and ALLOTT. They are to be congratulated on their accomplishment.

Our Subcommittee on Veterans' Affairs, under the chairmanship of the distinguished Senator from South Carolina, STROM THURMOND, has made a profound study of the problems arising from the fact that, for the first time in American history, our young men are subject to compulsory military service in peacetime. While the subcommittee has carefully assembled almost all the information it will need to enable it to decide what type of readjustment assistance, if any, should be granted peacetime veterans, it has wisely determined to withhold further action until January, so that the Members can appraise the effects of the recent reduction in both our Armed Forces and in the call-ups under the draft. With this later information before it, the subcommittee will be in a position to act forthwith in this important area. Besides the chairman, the subcommittee members are Senators KENNEDY, GOLDWATER, COOPER, and myself.

The Subcommittee on Labor, also under Senator KENNEDY's chairmanship, has completed an exhaustive series of hearings on proposals to extend coverage of the Fair Labor Standards Act to millions of additional employees, and has



# House of Representatives

FRIDAY, AUGUST 30, 1957

The House met at 10 o'clock a. m.  
The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:  
Eternal and ever-blessed God, we thank Thee for the high and holy privilege we have had during this session of the Congress of daily walking and working together in the service of our God, our country, and humanity.

We pray that, as we look back upon the yesterdays, may we feel that we have tried to blend our wills with Thine in the great task of establishing a nobler social order.

May we have joy of knowing that we have sought to affirm and champion courageously whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, and whatsoever things are of good report.

Grant that when the hour of adjournment comes and we leave this Chamber, may we commend and commit one another and all, who are near and dear unto us, to Thy love and care.

May the Lord bless us and keep us; may the Lord make His face to shine upon us and be gracious unto us; may the Lord lift upon us the light of His countenance and give us peace. Amen.

## THE JOURNAL

The SPEAKER. The Clerk will read the Journal of the last day's proceedings.

## CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make a point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 218]

Alger	Coudert	Halleck
Allen, Calif.	Cunningham,	Harden
Anfuso	Iowa	Harvey
Barden	Dawson, Ill.	Hays, Ohio
Beamer	Dellay	Hiestand
Belcher	Dempsey	Hill
Bennett, Mich.	Denton	Hillings
Bentley	Dies	Hoffman
Berry	Diggs	Holifield
Blatnik	Dorn, N. Y.	Holt
Bolton	Doyle	Holtzman
Boykin	Fascell	Horan
Bray	Flood	Jackson
Brooks, La.	Fogarty	Johnson
Buckley	Gavin	Kearney
Cannon	George	Kilburn
Cederberg	Gordon	Kirwan
Chipperfield	Grant	Kluczynski
Cleaver	Green, Oreg.	Krueger
Coad	Gregory	Landrum
Coffin	Griffiths	Lanham
Cole	Grinn	LeCompte

Lesinski  
Lipscomb  
Loser  
McConnell  
McDonough  
Mailliard  
Mason  
Miller, Calif.  
Morgan  
Nicholson  
Norblad  
Osmer  
Pilcher  
Pillion  
Powell

Preston  
Rains  
Reece, Tenn.  
Riehlman  
Rivers  
Robison, Ky.  
Roosevelt  
Sadlak  
Scott, Pa.  
Scrivner  
Sheehan  
Sikes  
Siler  
Simpson, Ill.  
Smith, Calif.

Smith, Kans.  
Taylor  
Teague, Calif.  
Thompson, N. J.  
Udall  
Vinson  
Vursell  
Walter  
Wharton  
Wier  
Williams, N. Y.  
Withrow  
Young  
Younger

The SPEAKER. On this rollcall 321 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Carrell, one of its clerks, announced that the Senate had passed without amendment bills, a joint resolution, and concurrent resolutions of the House of the following titles:

H. R. 230. An act to require the Secretary of the Army to convey to the county of Los Angeles, Calif., all right, title, and interest of the United States in and to certain portions of a tract of land heretofore conditionally conveyed to such county;

H. R. 2654. An act for the relief of the Martin Wunderlich Co.

H. R. 3370. An act to amend section 1871 of title 28, United States Code, to increase the mileage and subsistence allowances of grand and petit jurors;

H. R. 7536. An act to amend the act of January 12, 1951, as amended, to continue in effect the provisions of title II of the First War Powers Act, 1941;

H. R. 8508. An act to provide that there shall be two county committees elected under the Soil Conservation and Domestic Allotment Act for certain counties;

H. R. 8928. An act to amend the act of June 9, 1880, entitled "An act to grant to the corporate authorities of the city of Council Bluffs, in the State of Iowa, for public uses, a certain lake or bayou situated near said city";

H. R. 8994. An act to amend the Atomic Energy Act of 1954, as amended, to increase the salaries of certain executives of the Atomic Energy Commission, and for other purposes;

H. R. 9282. An act to provide additional office space in home districts of Congressmen, Delegates, and Resident Commissioners;

H. R. 9406. An act to amend the act of June 23, 1949, as amended, to provide that telephone and telegraph service furnished Members of the House of Representatives shall be computed on a biennial rather than an annual basis;

H. J. Res. 453. Joint resolution establishing that the 2d regular session of the 85th Congress convene at noon on Tuesday, January 7, 1958;

H. Con. Res. 176. Concurrent resolution authorizing the printing as a House document of certain material relating to the Central Valley project of California, and providing for additional copies; and

H. Con. Res. 188. Concurrent resolution authorizing the printing as a House document of the document entitled "Congress and the Monopoly Problem: 56 Years of Antitrust Development, 1900-1956."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 77. An act to establish the Chesapeake and Ohio Canal National Historical Park and to provide for the administration and maintenance of a parkway, in the State of Maryland, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to bills and concurrent resolutions of the Senate of the following titles:

S. 1049. An act for the relief of Mrs. Ahsa-pet Gamitayan;

S. 1271. An act for the relief of Daniel Alcide Charlebois;

S. 1321. An act for the relief of Junko Matsuoka Eckrich;

S. 1972. An act for the relief of Letizia Maria Arini;

S. 1996. An act to approve the contract negotiated with the Casper-Alcova Irrigation District, to authorize its execution, to provide that the excess-land provisions of the Federal reclamation laws shall not apply to the lands of the Kendrick project, Wyoming, and for other purposes;

S. 2792. An act to amend the Immigration and Nationality Act, and for other purposes;

S. Con. Res. 40. Concurrent resolution favoring the suspension of deportation in the cases of certain aliens; and

S. Con. Res. 41. Concurrent resolution favoring the suspension of deportation in the case of certain aliens.

The message also announced that the Senate agrees to the amendment of the House to Senate amendment No. 1 to the concurrent resolution (H. Con. Res. 172) entitled "Concurrent resolution to establish a joint congressional committee to investigate matters pertaining to the growth and expansion of the District of Columbia and its metropolitan area."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9302) entitled "An act making appropriations for mutual security for the fiscal year ending June 30, 1958, and for other purposes."

The message also announced that the Senate further insists on its amendment No. 15 to the above-entitled bill.



The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2377) entitled "An act to amend chapter 223, title 18, United States Code, to provide for the production of statements and reports of witnesses."

#### EXTENSION OF REORGANIZATION ACT OF 1949

Mr. BROOKS of Texas submitted the following conference report and statement on the bill (S. 1791) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959:

##### CONFERENCE REPORT (H. REPT. NO. 1270)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1791) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

WILLIAM L. DAWSON,  
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HOMER E. CAPEHART,

*Managers on the Part of the Senate.*

##### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1791) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate bill amends subsection (b) of section 5 of the Reorganization Act of 1949, as amended, by striking out "June 1, 1957", and inserting in lieu thereof "June 1, 1959", thus extending the application of that act to reorganization plans transmitted to Congress before June 1, 1959. The House amendment also extends the application of the Reorganization Act of 1949 to June 1, 1959. In addition the House amendment adds a new section to the bill which would strike out of subsection (a) of section 6 of such act the words: "by the affirmative vote of a majority of the authorized membership of that House,". This amendment would enable either House to prevent any reorganization plan which it disapproved from be-

coming effective by adopting, by a simple majority of those present and voting, a resolution stating in substance that that House does not favor the reorganization plan. The Senate recedes.

WILLIAM L. DAWSON,  
EARL CHUDOFF,  
JACK BROOKS,  
JOHN E. MOSS, Jr.,  
CLARENCE J. BROWN,  
ROBERT H. MICHEL,

*Managers on the Part of the House.*

Mr. BROOKS of Texas. Mr. Speaker, I call up the conference report on the bill S. 1791, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas? There was no objection.

The Clerk read the statement.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BROOKS of Texas. I yield.

Mr. BROWN of Ohio. I would like to say to the House on the part of the minority that while the minority did not favor certain provisions of this bill, to wit, the arrangement whereby a simple majority could object to a reorganization plan, in order to get legislation through the Congress in this session of the Congress, we agreed to the conference report and to the bill, as amended, and expect to support it.

Mr. BROOKS of Texas. I thank the gentleman.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

#### AMENDING CHAPTER 223, TITLE 18, UNITED STATES CODE

Mr. CELLER submitted the following conference report and statement on the bill (S. 2377) an act to amend chapter 223, title 18, United States Code, to provide for the production of statements and reports of witnesses:

##### CONFERENCE REPORT (H. REPT. NO. 1271)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2377) to amend chapter 223, title 18, United States Code, to provide for the production of statements and reports of witnesses, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "That chapter 223 of title 18, United States Code, is amended by adding a new section 3500 which shall read as follows:

"§ 3500. Demands for production of statements and reports of witnesses.

"(a) In any criminal prosecution brought by the United States, no statement or report in the possession of the United States which was made by a Government witness or prospective Government witness (other than the defendant) to an agent of the Government shall be the subject of subpoena, discovery, or inspection until said witness has testified on direct examination in the trial of the case.

"(b) After a witness called by the United States has testified on direct examination, the court shall, on motion of the defendant, order the United States to produce any statement (as hereinafter defined) of the witness in the possession of the United States which relates to the subject matter as to which the witness has testified. If the entire contents of any such statement relate to the subject matter of the testimony of the witness, the court shall order it to be delivered directly to the defendant for his examination and use.

"(c) If the United States claims that any statement ordered to be produced under this section contains matter which does not relate to the subject matter of the testimony of the witness, the court shall order the United States to deliver such statement for the inspection of the court in camera. Upon such delivery the court shall excise the portions of such statement which do not relate to the subject matter of the testimony of the witness. With such material excised, the court shall then direct delivery of such statement to the defendant for his use. If, pursuant to such procedure, any portion of such statement is withheld from the defendant and the defendant objects to such withholding, and the trial is continued to an adjudication of the guilt of the defendant, the entire text of such statement shall be preserved by the United States and, in the event the defendant appeals, shall be made available to the appellate court for the purpose of determining the correctness of the ruling of the trial judge. Whenever any statement is delivered to a defendant pursuant to this section, the court in its discretion, upon application of said defendant, may recess proceedings in the trial for such time as it may determine to be reasonably required for the examination of such statement by said defendant and his preparation for its use in the trial.

"(d) If the United States elects not to comply with an order of the court under paragraph (b) or (c) hereof to deliver to the defendant any such statement, or such portion thereof as the court may direct, the court shall strike from the record the testimony of the witness, and the trial shall proceed unless the court in its discretion shall determine that the interests of justice require that a mistrial be declared.

"(e) The term 'statement', as used in subsections (b), (c), and (d) of this section in relation to any witness called by the United States, means—

"(1) a written statement made by said witness and signed or otherwise adopted or approved by him; or

"(2) a stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement made by said witness to an agent of the Government and recorded contemporaneously with the making of such oral statement."

"The analysis of such chapter is amended by adding at the end thereof the following:

"'3500. Demands for production of statements and reports of witnesses.'"







Public Law 85-286  
85th Congress, S. 1791  
September 4, 1957

AN ACT

71 Stat. 611.

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To further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (b) of section 5 of the Reorganization Act of 1949 (63 Stat. 205; 5 U. S. C. 133 z-3), as last amended by the Act of March 25, 1955 (69 Stat. 14), is hereby further amended by striking out "June 1, 1957" and inserting in lieu thereof "June 1, 1959". Reorganization Act of 1949, amendments.

SEC. 2. Subsection (a) of section 6 of the Reorganization Act of 1949 (63 Stat. 205; 5 U. S. C. 133 z-4) is amended by striking out "by the affirmative vote of a majority of the authorized membership of that House,".

Approved September 4, 1957.







